

Also, petition of National German-American Alliance, against immigration legislation until Immigration Commission has reported—to the Committee on Immigration and Naturalization.

Also, petition of H. J. Swift, representing veterans of New York, against consolidation of pension agencies—to the Committee on Invalid Pensions.

Also, petition of Grand Street Board of Trade, for building battle ships in navy-yards—to the Committee on Naval Affairs.

By Mr. LEE: Papers to accompany bills for relief of Andrew J. Casey and Zebudee Slaton—to the Committee on War Claims.

By Mr. LEWIS: Papers to accompany bills for relief of Peter L. Cramer and Benjamin F. Finical—to the Committee on Invalid Pensions.

By Mr. McDERMOTT: Petition of Henry Wiegel and 1,700 others, for Federal investigation of methods of telegraph companies under certain conditions, and for legislation to cause telegraph companies to show plainly time of delivery of messages, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS: Petition of F. F. Hull et al., of Washington County, Kans., for H. R. 40, prohibition of liquor selling in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of legal voters of the Fifth Congressional District of Nebraska, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. O'CONNELL: Petition of Boston Newspapers, International Typographical Union, for repeal of tariff on white paper, wood pulp, etc.—to the Committee on Ways and Means.

By Mr. PRINCE: Petitions of George H. Thomas Post, No. 5, and U. S. Grant Post, No. 28, of Chicago; Jesse K. Dubois Post, No. 44, of Lawrenceville; Hiram McClintock Post, No. 667, of Lagrange; Post No. 107, of Macomb; Dixon Post, No. 299, of Dixon; Barthson Post, No. 6, of Joliet; John W. Lawrence Post, No. 296, of Carbondale; Dunham Post, No. 141, of Decatur; Veteran Post, No. 49; John A. Parrott Post, No. 543; Mattoon Post, No. 404, and Kilpatrick Post, No. 276, Grand Army of the Republic, all of the State of Illinois, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. REID: Paper to accompany bill for relief of Beverly D. Hunt—to the Committee on Invalid Pensions.

By Mr. RIORDAN: Petition of Irving T. Bus, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. SABATH: Petition of Chicago Local, No. 1, of the Commercial Telegraphers' Union of America, for legislation to investigate in certain particulars the status of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Arizona: Petition of Phoenix, Ariz., Board of Trade, in favor of amending section 4 of an act to regulate commerce, approved June 29, 1906—to the Committee on Interstate and Foreign Commerce.

Also, petition of Local Union No. 352, of Phoenix, Ariz., International Typographical Union, for repeal of duty on white paper, etc.—to the Committee on Ways and Means.

By Mr. SMITH of Michigan: Petition of National German-American Alliance, against immigration legislation—to the Committee on Immigration and Naturalization.

By Mr. SPIGHT: Paper to accompany bill for relief of Thomas Fahey—to the Committee on War Claims.

By Mr. STERLING: Petition of Chicago Local No. 1, Commercial Telegraphers' Union of America, for Federal investigation of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of New York Board of Trade and Transportation, against S. 42 and kindred House and Senate bills—to the Committee on Agriculture.

Also, petition of Buffalo Oil, Paint, and Varnish Club, against commercial legislation affecting the paint industry—to the Committee on Interstate and Foreign Commerce.

Also, petition of South Bend National Bank, of South Bend, Ind., for currency legislation—to the Committee on Banking and Currency.

Also, petition of Merchants' Association of New York, for a permanent tariff commission—to the Committee on Ways and Means.

By Mr. WILSON of Pennsylvania: Petitions of D. W. Coffin and 15 others; of James S. Blair and 27 others; and M. L. Grist and 13 others, all of Tioga County, Pa., for S. 3152 (additional protection to dairy interests)—to the Committee on Agriculture.

Also, petition of Local Union No. 141, International Typographical Union, of Williamsport, Pa., for repeal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. YOUNG: Memorial of Montcalm County Farmers' Institute, of Lakeview, Mich., against reduction of tariff on sugar—to the Committee on Ways and Means.

SENATE.

TUESDAY, February 18, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 16882. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes;

H. R. 16956. An act to authorize the Hydro-Electric Company to construct a dam across White River near the village of Decker, in Knox County, Ind.; and

H. J. Res. 138. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in Northern prisons and were buried near the prisons where they died, and for other purposes."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 2756. An act for the relief of L. K. Scott;

H. R. 6231. An act to attach Shelby County, in the State of Texas, to the Beaumont division of the eastern judicial district of said State and to detach it from the Tyler division of said district;

H. R. 9218. An act amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes;"

H. R. 12398. An act to authorize the War Department to transfer to the State of Kansas certain land now a part of the Fort Riley Military Reservation;

H. R. 12420. An act to extend immediate transportation privileges to the subport of Alburg, in the customs collection district of Vermont;

H. R. 13430. An act to authorize the Chicago, Indianapolis and Louisville Railway Company to construct a bridge across the Grand Calumet River in the city of Hammond, Ind.;

H. R. 14040. An act to authorize the county of Ashley, State of Arkansas, to construct a bridge across Bayou Bartholomew at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties;

H. R. 14781. An act to authorize Campbell County, Tenn., to construct a bridge across Powells River; and

H. R. 16050. An act to authorize the Interstate Transfer Railway Company to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Merchants' Association of New York City, N. Y., remonstrating against the passage of the so-called "Aldrich emergency currency bill," which was ordered to lie on the table.

He also presented a petition of the Commercial Telegraphers' Union of America, of Chicago, Ill., praying for the enactment of legislation to prohibit the free frank or privilege for the transmission of messages by telegraph or telephone, which was referred to the Committee on Interstate Commerce.

Mr. WHYTE presented a petition of the congregation of the Jones Methodist Episcopal Church, of Cecil County, Md., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. GALLINGER presented the proceedings of the Civic Center at its annual meeting held in Washington, D. C., relative to the reports of the industrial, charitable, and educational departments of the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of John Sedgwick Post, No. 4, Department of New Hampshire, Grand Army of the Republic, of Keene, N. H., praying for the passage of the so-called "Sherwood bill," granting more liberal rates of pensions, which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of Kent City, Mich., and a petition of sundry

citizens of Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. NELSON presented a memorial of the Commercial Club of Hastings, Minn., remonstrating against the enactment of legislation to secure the use of the United States mail equipment; to place the rural service on a paying basis, and also against the consolidation of third and fourth class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry organizations of St. Peter, St. Paul, Janesville, Winona, and Minneapolis, all in the State of Minnesota, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 630, International Typographical Union, of St. Cloud, Minn., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. GAMBLE presented a memorial of the Southeastern South Dakota Retail Lumber Dealers' Association, of Yankton, S. Dak., remonstrating against the enactment of legislation to secure the use of the United States mail equipment; to place the rural service on a paying basis, and also against the consolidation of third and fourth class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WETMORE presented a petition of the Citizens' Business Association, of Newport, R. I., praying that an adequate appropriation be made for the completion of the defenses at Narragansett Bay, in that State, which was referred to the Committee on Appropriations.

Mr. WARREN presented a petition of the Industrial Club of Cheyenne, Wyo., praying for the enactment of legislation to increase the pay of officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Albany and Laramie counties, Wyo., praying for the enactment of legislation providing for the leasing of public grazing lands, which was referred to the Committee on Agriculture and Forestry.

Mr. CULBERSON presented memorials of sundry organizations of Kerrville, Nordheim, Denison, and Weimar County, all in the State of Texas, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. STEPHENSON presented memorials of sundry organizations of Grand Rapids, St. Croix Falls, Algonia, Plymouth, and Augusta, all in the State of Wisconsin, remonstrating against the enactment of legislation to abolish certain pension agencies throughout the United States, which were referred to the Committee on Pensions.

He also presented a petition of Local Union No. 23, Web Pressmen's Union, of Milwaukee, Wis., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a memorial of the Milwaukee Association of Credit Men, of Milwaukee, Wis., remonstrating against the repeal of the present national bankruptcy law, which was referred to the Committee on the Judiciary.

Mr. WARNER presented the memorial of Edward J. Davison, of Kansas City, Mo., remonstrating against the adoption of a certain amendment to the present copyright law relating to photographic reproductions, which was referred to the Committee on Patents.

He also presented memorials of sundry organizations of St. Louis and St. Joseph, in the State of Missouri, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a paper to accompany the bill (S. 1676) to create in the War Department a roll to be known as the volunteer retired list, to authorize placing thereon with retired pay certain surviving officers of the United States Volunteer Army of the civil war, and for other purposes, which was referred to the Committee on Military Affairs.

Mr. LONG presented a petition of sundry citizens of St. Marys, Kans., praying for the enactment of legislation providing for the guaranty of national bank deposits, which was referred to the Committee on Finance.

He also presented a petition of Chapman Post, No. 362, De-

partment of Kansas, Grand Army of the Republic, of Chapman, Kans., praying for the passage of the so-called "Sherwood bill" granting more liberal rates of pensions, which was referred to the Committee on Pensions.

He also presented a petition of the Commercial Club, of Wellington, Kans., praying that an appropriation be made for the purchase of a site and the erection of a public building at that city, which was referred to the Committee on Public Buildings and Grounds.

Mr. BURKETT presented a petition of the Commercial Club, of Omaha, Nebr., praying for the enactment of legislation to increase and equalize the pay of officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry organizations of Kearsaw, Nebr., praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens on account of sex, which were referred to the Select Committee on Woman Suffrage.

Mr. DEPEW presented a petition of Local Union No. 21, International Photo-Engravers Union of North America, of New York City, N. Y., and a petition of Local Union No. 167, International Typographical Union, of Schenectady, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of Local Union No. 128, United Garment Workers of America, of Syracuse, N. Y., praying for the enactment of legislation providing for the construction of all battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the New York Board of Trade and Transportation, of New York City, N. Y., remonstrating against the passage of the so-called "Gallinger bill," to prevent the manufacture, sale, or transportation of adulterated or misbranded foods, drugs, etc., which was referred to the Committee on Manufactures.

Mr. DOLLIVER presented a petition of Local Union No. 1, Commercial Telegraphers' Union of America, of Chicago, Ill., praying for the enactment of legislation placing the telegraph systems of the United States under the provisions of an act whereby any controversies threatening to interfere with the telegraph service may have Federal investigation, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Decatur County, Iowa, remonstrating against the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Decatur County, Iowa, remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Commercial Club of Perry, Iowa, and a memorial of the State Traveling Men's Association, of Des Moines, Iowa, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Whatsoever Circle of Burlington; of the Shakespeare Club of Burlington; of the Tourist Club of Fairbank; of the Iowa Congress of Mothers, of Des Moines; of the XV Club of Albia; of the Elkader Coterie, of Elkader, and of the Ladies' Literary Club of Laporte, all in the State of Iowa, praying for the enactment of legislation to regulate the employment of child labor, which were referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 73, International Typographical Union, of Ottumwa, Iowa, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of Harlan Post, No. 197, Department of Iowa, Grand Army of the Republic, of Harlan, Iowa, praying for the passage of the so-called "Lefean pension bill," which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Home Missionary societies of Sioux City, Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Vinton, Iowa, praying for the ratification of international arbitration treaties, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry retail merchants of Badger, Iowa, remonstrating against the enactment of legislation to amend an act to promote the safety of employees and travelers upon railroads, which was referred to the Committee on Interstate Commerce.

Mr. PENROSE presented sundry papers to accompany the bill (S. 3136) granting an increase of pension to Annie T. Penrose, which were referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 4957) to grant an honorable discharge to Alfred L. Dutton, which was referred to the Committee on Military Affairs.

Mr. HOPKINS presented a petition of the Trades and Labor Assembly of New Athens, Ill., praying for the enactment of legislation providing for the construction of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

Mr. BAILEY presented sundry papers to accompany the bill (S. 796) for the relief of L. F. Gower, Laura Gower, M. R. Gower, and Mrs. Sarah P. Boykin, heirs of Dr. James Gower, deceased, which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 797) for the relief of Mrs. S. E. Underwood, formerly widow of Samuel Ward, deceased, which were referred to the Committee on Claims.

CARE OF INSANE IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I present the report of the Board of Charities to the Commissioners on the care of the insane in the District of Columbia. I move that it be printed as a document and referred to the Committee on the District of Columbia.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Immigration, to whom was referred the bill (S. 5083) to amend section 1 of the passenger act of 1882, reported it with amendments.

Mr. CLAPP, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 5330) for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes; and

A bill (S. 450) for the relief of the State of North Carolina.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 140) for the establishment of a park on the northern portion of the Coeur d'Alene Indian Reservation in Idaho, reported it without amendment and submitted a report thereon.

Mr. FRAZIER, from the Committee on Claims, to whom was referred the bill (S. 1559) for the relief of the Citizens' Bank of Louisiana, reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3923) to fix the limitation applicable in certain cases, reported it without amendment and submitted a report thereon.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (S. 4171) to provide for continuation of investigations of the rivers and water resources of the United States, asked to be discharged from its further consideration and that it be referred to the Committee on the Geological Survey, which was agreed to.

Mr. DIXON, from the Committee on Indian Affairs, to whom was referred the bill (S. 4916) authorizing the Secretary of the Interior to issue patent in fee to the board of missions of the Protestant Episcopal Church for certain lands situated in the State of Idaho, reported it with amendment, and submitted a report thereon.

INQUIRY AS TO CERTAIN WESTERN LAND GRANTS.

Mr. FULTON. From the Committee on the Judiciary, I report back with an amendment in the nature of a substitute the joint resolution (S. R. 48) instructing the Attorney-General to institute certain suits, etc., and I submit a report thereon. I ask that the joint resolution may be read and given present consideration.

The VICE-PRESIDENT. If there be no objection, the proposed substitute will be read for the information of the Senate.

The SECRETARY. The committee report to strike out all after the resolving clause and to insert:

That the Attorney-General of the United States be, and he hereby is, authorized and directed to institute and prosecute any and all suits in equity, actions at law, and other proceedings which he may deem adequate and appropriate, to enforce any and all rights and remedies of the United States of America in any manner arising or growing out of, or pertaining to, either or any of the following-described acts of Congress, to wit: "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in Cali-

fornia, to Portland, in Oregon," approved July 25, 1866, as amended by the acts approved June 25, 1868, and April 10, 1869; also "An act granting lands to the State of Oregon to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Roseburg, in said State," approved March 3, 1869; also "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, including all rights and remedies in any manner relating to the lands or any part thereof, granted by either or any of said acts; and in and by any and all such suits, actions, or proceedings, the Attorney-General shall, in such manner as he shall deem appropriate, assert all rights and remedies existing in favor of the United States relating to the subject of such suits, actions, and proceedings, including the claim on behalf of the United States that the lands granted by each of said acts, respectively, or any part thereof, have been and are forfeited to the United States, by reason of any breaches of violations of any of the terms or conditions of either or any of said acts, which may be alleged and established in any such suits, actions, or proceedings; it not being intended hereby to determine the right of the United States to any such forfeiture or forfeitures, but it being intended to fully authorize the Attorney-General, in and by such suits, actions, or proceedings to assert on behalf of the United States, and the court or courts before which suits, actions, or proceedings may be instituted or pending, to entertain, consider, and adjudicate the claim and right of the United States to such forfeiture or forfeitures, and, if found, to enforce the same.

Resolved further, That the authority and direction hereinbefore given shall extend to any and all suits, actions, or proceedings which may be instituted or pending under the authority of the Attorney-General at the time of the adoption and approval hereof.

Mr. FRYE rose.

Mr. FULTON. I yield to the Senator from Maine.

Mr. FRYE. I was going to ask the Senator from Oregon why such directions and instructions to the Attorney-General are necessary?

Mr. FULTON. Mr. President, I was about to make a statement. My own view is that the Attorney-General would have authority probably without this joint resolution to prosecute such suits and actions as are contemplated by it; but the Department of Justice is not thoroughly satisfied that it can maintain the suits to the extent of having at least a forfeiture declared, in case it shall appear that the conditions of the grants have not been complied with, without some expression by Congress and authorization to proceed to that extent. As the Department of Justice will have charge of the litigation and is responsible for it, it seems to me proper to give it such power and authority as it deems possibly may be requisite and necessary.

I call the attention of the Senate to the fact that the joint resolution does not assert any fact; it does not assert that there has been a violation of the terms of the grant, or declare a forfeiture. It simply authorizes the ascertainment of the fact, and authorizes the court, in case it shall determine, that a grant has been so violated as to justify a forfeiture, to decree a forfeiture.

The original joint resolution was brought in by the Senator from South Carolina [Mr. TILLMAN], and this is substantially his measure, but as re-formed and put in different language by the Department of Justice itself. This joint resolution was prepared by the Department of Justice and sent to the subcommittee of the Committee on the Judiciary, of which I was a member.

Mr. TELLER rose.

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. TELLER. I thought the Senator had gotten through.

Mr. FULTON. I was going to say briefly that this measure has reference to certain grants of land within the limits of the State of Oregon. I think it does not apply to any outside of that State. That is my recollection. The grants were made by Congress on the express stipulation that the lands should be sold to actual settlers only in quantities not exceeding 160 acres, and at a price not exceeding \$2.50 per acre. It is contended that they have sold in quantities exceeding 160 acres to one party at prices exceeding \$2.50 per acre. In fact there is no question but what that is true, because it was admitted at the hearing before the subcommittee.

Therefore it would seem that there has clearly been a violation of the conditions of the grant, and some action should be taken. The joint resolution simply authorizes the Department of Justice to prosecute the necessary suits and actions to determine whether there has been a violation of the grant, and to secure by judicial decree the proper relief in case it shall be so determined.

Mr. TELLER. Mr. President, from the reading of the joint resolution, it strikes me that it confers no authority upon the Attorney-General that he has not now. I do not know whether that is so or not, because it is almost impossible to determine a question like that from a casual reading of it. I do not want to interfere with the measure, but I think it is a pretty important question. I myself should like to look at it.

Mr. President, I do not like the idea of Congress instructing

an executive officer as to what he ought to do. If the statutes are violated in any way I understand that the Department has charge of these things to look into them and determine them. For instance, if when people come for their patents the companies have sold differently from what the statutes provide, it is quite within the power of the Secretary of the Interior to withhold the patents. Then, if there has been any controversy, the Department can determine that question.

I believe it would be a very vicious practice for the legislative department to instruct an executive officer what he should do. I do not know that we can do it. I am not certain whether we can. It seems to me that this is a pretty broad and far-reaching proposition. While, undoubtedly, the inquiry ought to be made, it does not seem to me that it is necessary that we should pass a bill of this character, or what is tantamount to passing a bill.

Mr. TILLMAN. Mr. President, I was not in the Chamber when the joint resolution was read, but I glanced over it hurriedly yesterday afternoon and I think I understand the scope of it.

As I introduced the original resolution for which this is in a measure a substitute, prepared by the Department of Justice itself, I will state the motives and purposes I had in view when I introduced it. I was on the Pacific coast during the last year, making two visits there, and in talking with gentlemen about the timber lands, and irrigable lands, and other lands that are much sought after in that region, I came in possession of the fact that there was a cloud on the title or the ability to purchase that nobody seemed to know how to get hold of a large area of railroad lands and some military road lands, which were held by the railroad corporations and by the corporation which had built the military road. I thought that it would be just as well for us to understand whether or not the public have any rights that are involved here. Therefore, I introduced a resolution of inquiry calling on the President to send to the Senate his version, or the version of the Department of Justice, of the situation, and I believe that paper came in yesterday, but it has not yet been printed.

I also introduced a joint resolution instructing the Department of Justice to make report and to indicate just what, in its view, was the proper step to be taken by the Government, if any, to safeguard the rights of the people as against these corporations. I understand that the Department of Justice has revised the joint resolution which I introduced, and with the explanation given by the Senator from Oregon, who is more familiar with the facts than I am, while I am perfectly willing of course that the resolution shall go over until we can all examine it more fully, I am sure that there is a great wrong being perpetrated out there, and lands which are very valuable, and which under the original grants were ordered to be sold by the railroads to purchasers, are withheld from sale and people can not get them, while a few millionaires somewhere, who own the Northern Pacific and the Southern Pacific and the Oregon and California road, are holding lands that are worth millions, which ought to be opened for entry by actual purchasers who want to buy them to make homes.

Mr. CULBERSON. Mr. President, I ask that the joint resolution be again read.

The VICE-PRESIDENT. The Secretary will again read the proposed substitute, at the request of the Senator from Texas.

Mr. GALLINGER. I will ask the Senator from Oregon if he has requested unanimous consent for the present consideration of the joint resolution?

Mr. FULTON. I have, Mr. President. I will state, however, to the Senator—

Mr. CULBERSON. Mr. President, there is a request pending.

The VICE-PRESIDENT. The Senator from Texas requested the reading of the joint resolution.

Mr. GALLINGER. I rose to object, so that the joint resolution may be printed and go over. Senators can then read it.

Mr. CULBERSON. I should like to have it read anyway.

Mr. GALLINGER. If it is to be printed it would hardly seem necessary that we should have it read again. It is a rather long resolution.

Mr. CULBERSON. I should like to have it read, and I do not think it is usual to object to the reading of a joint resolution.

Mr. GALLINGER. I will not object to it, if the Senator wishes to listen to it.

The VICE-PRESIDENT. The joint resolution will be read.

The Secretary again read the proposed substitute.

Mr. FORAKER. Mr. President, before the joint resolution goes over, if the Senator from New Hampshire does not at this moment insist upon his objection, I should like to make an inquiry.

I saw the joint resolution yesterday, through the kindness of

the Senator from Oregon, who was polling the Judiciary Committee, of which I am a member, and from which it is reported, I suppose, this morning by the Senator. I read it rather carelessly. I did not see any objection to it, but as I listened to the reading of it now two or three questions arise.

In the first place, I doubt the propriety of Congress directing the Attorney-General with respect to any matter concerning which he is already fully authorized by statute, if he may be authorized. In the second place, I do not understand that there is any necessity for us to confer upon the Attorney-General by this joint resolution, or by any other provision, authority to prosecute any suit of the character mentioned in the resolution. Therefore, when it comes up I hope the Senator from Oregon will advise us whether or not in his opinion there is any lack of authority to the Attorney-General as the statutory provisions of the country now stand to bring any and all the suits that are mentioned there.

As I understand it, we are proceeding upon the theory, in passing the joint resolution, that the Attorney-General has no right to assert the rights of the United States in respect to these lands granted under the several statutes.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. FULTON. I beg pardon; I thought the Senator was through.

Mr. FORAKER. No; I was not through. On that point I should like the Senator, either now or to-morrow, or whenever the matter comes up, to give us the benefit of his opinion. He has doubtless investigated the subject and knows why it is thought a joint resolution of this kind may be necessary.

I do not understand that we confer any jurisdiction on any court. We simply say that the courts shall entertain these proceedings. They would entertain them, anyhow, if the Attorney-General has a right to bring the suits. So I do not see any necessity for a measure of this kind. We are bound to presume that the Attorney-General, certainly when his attention has been called to the subject, would proceed to start whatever legal proceedings he might deem necessary in order to protect the rights of the United States and to recover for the United States any rights that might be in jeopardy or that may have been lost to the United States.

Mr. GALLINGER. Mr. President, I object to the present consideration of the joint resolution.

The VICE-PRESIDENT. The Senator from New Hampshire objects to the present consideration of the joint resolution.

Mr. FULTON. I ask the Senator to withhold the objection for a moment. I wish to say just a word before it goes over.

Mr. GALLINGER. I will do so.

Mr. FULTON. I wish to say, in answer to the Senator from Ohio, that I think if he takes into consideration one fact he will urge no objection to this course of proceeding, namely, that where a grant is made on a condition subsequent, as I think it quite possible that these grants will be held to have been made, there is a rule which requires a declaration of forfeiture and reentry on the part of the grantor in order to recover his estate.

The joint resolution does not declare a forfeiture, but it authorizes the Attorney-General, in behalf of the Government, to take the proceedings necessary to reentry for the purpose of ascertaining whether there has been a violation of the stipulation, and, if there has been one, then to assert the right on behalf of the grantor to reenter and reinvest itself as of its original estate.

I do not say as a matter of law that this is absolutely necessary, but it is at least a debatable question. It is in the mind of the Attorney-General a debatable question. I am rather inclined to think myself that proceedings could be had without the passage of the joint resolution, but certainly there is no objection to doing whatever is necessary on behalf of the Government to assert its title and recover its estate if the conditions have been violated.

Mr. NELSON. Mr. President, if the Senator from Ohio will allow me a moment, I think this is the true explanation. Our Supreme Court years ago, in the matter of a Wisconsin land grant, I think, decided that in case a land grant was subject to forfeiture for condition broken that forfeiture could be enforced in one of two ways—either Congress itself, which gave the grant, could declare an absolute forfeiture, or it was a matter that could be enforced in the courts.

Now, there being pursuant to that decision two tribunals that could pass on this question we are simply expressing by the joint resolution that we prefer that the courts should take action in it rather than Congress, and for this reason I think that there may be equities in the case which can be adjusted.

All we could do would be to declare an absolute forfeiture, but if a suit is instituted in a court of equity the court can adjust the equities and declare a conditional forfeiture. In other words, it can say to the railroad company what we could not say, "If you comply with the conditions of the grant and do not sell your land in larger quantities than 160 acres to each settler and sell to actual settlers, and if you will not charge more than \$2.50 an acre, we will not declare your grant forfeited."

We are handicapped in that way. We could not do what a court of equity could, but as one of the tribunals that would have jurisdiction in declaring a forfeiture we indicate by the joint resolution that we prefer it should be done through the Department of Justice, which is eminently proper.

Mr. FORAKER. Mr. President, I am very much obliged to the Senator from Minnesota for the suggestion he has made. I was only asking for information. I am not familiar with the subject. I do not know anything about what an investigation would disclose. I was only speaking of the joint resolution as it appears on its face. It does not appear to be a declaration by Congress that there has been a forfeiture or that there should be a forfeiture declared, but simply a direction to the Attorney-General to bring certain suits, which he is already authorized to bring, so far as I have any knowledge.

My point in calling attention to the matter was to make an inquiry of the Senator from Oregon, or anyone else who is informed, so as to learn whether there is any lack of authority. If so, I have no objection whatever to giving the Attorney-General full authority to investigate it; but if he already has authority, it is his business to proceed, and I doubt the propriety of directing him to do what he seems to be already engaged in doing, for the joint resolution recites that it shall apply to pending cases of the character mentioned as well as to others that he may see fit to bring.

Mr. FULTON. If the Senator will allow me, there are no pending cases. That was put in, I suppose, thinking there might be delay in passing the joint resolution, to cover any suit that might be instituted. The Department of Justice is, I understand, prepared to file the suits at the present time.

Mr. FORAKER. If the Attorney-General have authority to bring such suits as the recitation of the fact that this shall apply to pending cases indicates that it was thought by those who drew the resolution he does have, I do not see how we are adding to his authority. It was unnecessary to say that he has authority, and if he have authority and is already engaged, as the pendency of suits indicates he is engaged, in trying to regain the rights of the Government, if any be lost, there is no necessity to direct him. But I was not saying that there is no lack of authority; I was only asking to be informed on that point.

Mr. FULTON. If the Senator will allow me—

Mr. FORAKER. If the Senator will let me have just one other sentence—

Mr. FULTON. Certainly.

Mr. FORAKER. I will state the other point I had in mind and to which I referred. I supposed the joint resolution would proceed to confer jurisdiction of some special kind on some special courts. But I do not understand that it does.

Mr. FULTON. No, it does not do that. What I was going to suggest to the Senator is that the very circumstance that the Department of Justice prepared the joint resolution and requested that it be passed is evidence of the fact that it is in some doubt, at least, that it has the authority necessary in order to allow it to proceed.

Mr. HEYBURN. Mr. President, the question involved is confined to the land in Oregon by the joint resolution, but facts of a kindred character are common to nearly all the land-grant States. Within the land grants of the several Pacific railroads this question has been one of very great importance for a number of years. The only action that could be brought by the Attorney-General would be one for the declaration of a forfeiture upon conditions subsequent to the grant.

Now, the United States is interested, of course. If the lands are forfeited, they are forfeited to the United States, and would be open to sale by the United States under the land laws. But the people who are really interested in this question are the thousands and thousands who have sought to purchase the lands throughout the last forty years and who have been refused the right to do so. The Attorney-General can afford them no relief. They, of course, have been unable to maintain any kind of legal proceedings to accomplish the right to buy the land. A pioneer would go to the land office of the railroad company and make a request that he be permitted to purchase a quarter section of land at the maximum price of two dollars and a half per acre,

and they would advise him that it was not on the market. That was a violation of the act under which they took the land. Had the settler been able to do it, he might have brought a suit to compel them to sell him the land, because under the terms of the land grant they were obliged to sell it to the settlers of the class and upon the conditions expressed in the act granting them the land.

Mr. FULTON. Mr. President, will the Senator allow me—
The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. I suggest to the Senator that it has been held, at least in some cases, that no one can take advantage of the condition subsequent to the grant, such as this is, excepting the grantor himself.

Mr. HEYBURN. I was coming to that question. That is the nub of the subject to which I am referring. The settler could not maintain the action for two reasons. He could not maintain it because he was not financially able, as a rule, although perhaps some of them were, and he could not maintain it, under the rule, as has been held in these cases, because, it being a condition subsequent, he could not take advantage of it; the grant had attached and it could only be detached by a proceeding brought for that purpose by the Government, from whom the grant flowed.

This question involves millions of acres of land, and the amount involved has been growing from year to year. I have within my own knowledge a number of cases where parties desire to purchase this land, because, forsooth, they found themselves upon railroad sections when the surveys were made, while they had been living in peace for many years, supposing that they were upon even-numbered sections, and had made valuable improvements. I have one case in mind where the improvements consisted of orchards, cultivated fields, and fences, a fine residence and barns, and an established business, and the terms offered were, "You will pay us the price of the land and you will pay us also for the value of the improvements which you have put upon it." I know of one case where the settler yielded to it rather than to be dispossessed of a home he had occupied for years. I know of another case, the one to which I referred, where negotiations are pending now between the settler and the railroad company.

Under the law the railroad company were obliged to throw this land open for settlement. The Government never would have given them this vast grant had they not agreed that they would do it, because to do otherwise would have retarded the settlement of the country, the very thing which the lawmakers had in mind should be accomplished. So they have violated the terms under which they took the grant. These grants are worth hundreds of millions of dollars. We have a very large item of governmental enterprise in the sale of lands to the railroad companies upon a condition that runs with the grant—that they shall sell them within a maximum price to a settler and that they shall not sell them in greater quantities than the homestead limit. I know of instances in which the railroad companies have sold lands upon which this limitation of area was placed in quantities hundreds of times in excess of the limitation of the act under which they took their grant, but there was no one in a position to bring a suit to enforce the terms of the grant except the Government of the United States, because the condition was one subsequent to the grant, of which an individual might not take advantage in the courts. The United States for forty or fifty years has stood by and seen the settler deprived of his right to select and pay for a homestead and has allowed the railroad company to hold the lands for advanced prices to the detriment and discouragement of settlers and the prevention of the settlement of the public lands of the United States. That is the real question involved in the joint resolution.

Mr. DIXON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. DIXON. I should like to ask the Senator from Idaho whether any limitation attached to the original Northern Pacific land grant?

Mr. HEYBURN. Yes.

Mr. DIXON. By the act of 1864?

Mr. HEYBURN. Yes, Mr. President; the land grant which to-day belongs to the Northern Pacific Railroad Company as much as it did when the grant was made had conditions attached to it. I would refer the Senator to the very plain language of the act itself. There are now pending proceedings in this body before one of the standing committees to inquire as to the

facts under which the pretended reorganization of that road took place, when a fictitious mortgage, called the "consolidated mortgage," for \$260,000,000, I believe, was foreclosed in order to make an excuse for the transfer of the title to the lands to a company that was reorganized by changing one word in the name of the company. It was done by the foreclosure of a mortgage they had made in violation of the law that organized the corporation and granted the land, and which provided that they should make no mortgage without the consent of Congress. They made a mortgage of \$50,000,000 without the consent of Congress, and then they proceeded to make two more mortgages, the last one called the "consolidated mortgage," which they foreclosed when it was not due and when it was made without authority of law; and the title to those lands is to-day—and it was part of those lands that I referred to when I said that there are pending to-day negotiations between the claimant to those lands and the settler upon them involving the question as to whether they shall be permitted to purchase without paying for the valuable improvements which he himself has placed upon the lands—

Mr. DIXON. What I especially wanted to inquire of the Senator from Idaho was whether or not there was a specific limitation of two dollars and a half per acre upon the original Northern Pacific land grant?

Mr. HEYBURN. Yes; that was the maximum price of the land.

Mr. DIXON. As I remember, from an examination of the act of 1864, something like two or three years ago there was no such limitation in the act; and for that reason I make the present inquiry, as I have had several communications from my State regarding this same matter and complaint from the settlers that lands have been withdrawn from the market. The Senator now states that this condition did attach to the grant of 1864 in the case of the Northern Pacific.

Mr. HEYBURN. I think the Northern Pacific Railroad Company were compelled to sell its lands to the bona fide homesteader or to the men entitled to purchase them at the maximum price fixed by the Government for the sale of those lands, and that they had no option in doing it.

Mr. FULTON. Mr. President, I do not care to go into an extended discussion of this question, but I am very much in hope that the Senator from New Hampshire [Mr. GALLINGER] will allow the joint resolution to be considered at this time.

Mr. GALLINGER. If the Senator from Oregon feels that he can get a vote on the joint resolution speedily, I certainly will withdraw my objection to it.

Mr. FULTON. I thank the Senator.

Mr. GALLINGER. I was thinking of the Senator from Missouri [Mr. STONE], who has given notice that he wishes to address the Senate, when I thought that it ought to go over, because there seemed to be such a wide difference of opinion amongst the lawyers on this question.

Mr. FULTON. Then I will not take up further time, but will simply say, to supplement what the Senator from Idaho [Mr. HEYBURN] has said, that in the State of Oregon the railroads are now refusing absolutely to sell these lands at any price and have withdrawn them from the market. We want these suits prosecuted to determine whether or not they can be compelled to conform to and comply with the conditions of the grant. I am anxious that this shall be disposed of speedily.

Mr. DIXON. I should like to ask the Senator from Oregon whether or not the joint resolution applies to anything except the Oregon land-grant roads?

Mr. FULTON. It only applies to three grants that are in Oregon—two railway grants and one wagon-road grant. I will say that my recollection is different from that of the Senator from Idaho. I do not think that any such conditions were in the Northern Pacific grant at all.

Mr. DIXON. That was my impression from my examination of the act.

Mr. FULTON. But that is not material here, because the lands are in fact the specific lands covered by the joint resolution and are pointed out by it.

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. FULTON. Certainly.

Mr. NELSON. I have here the grant to the Northern Pacific Railroad Company. I will not take the time of the Senate to read it, but I think from an inspection of the act that the Senator from Idaho is mistaken. There was no such condition as he states in that grant.

Mr. FULTON. I looked the matter up myself, and I am confident that the statement as to there being any such condition in that grant is a mistake.

Mr. President, I reported the joint resolution as a substitute; therefore I move to indefinitely postpone the original, and ask that the one now reported may take its place.

Mr. TELLER. Mr. President, this is a matter that ought not to be passed upon without some consideration. I am going to object to its further discussion at this time if the Senator from New Hampshire [Mr. GALLINGER] withdraws his objection.

Mr. FULTON. Very well; then I move to indefinitely postpone the original joint resolution.

Mr. GALLINGER. Under the circumstances I insist upon my objection.

The VICE-PRESIDENT. The Senator from Oregon asks that the original joint resolution for which the one he has reported is a substitute be indefinitely postponed.

Mr. BACON. Mr. President, the Senator I think—I do not know what the particular ruling may have been heretofore—but I think the Senator is mistaken in making that motion.

Mr. FULTON. I may be.

Mr. BACON. If the joint resolution is indefinitely postponed before the substitute is adopted, of course, the whole thing goes out.

Mr. LODGE. I thought this was an amendment in the nature of a substitute.

Mr. FULTON. It is.

Mr. BACON. It is, and consequently the original can not be disposed of until the substitute has been acted upon.

Mr. FULTON. I was under the impression that reporting a substitute required that the original be indefinitely postponed.

Mr. BACON and Mr. LODGE. No, no.

Mr. FULTON. If not, I withdraw the motion that the original joint resolution be indefinitely postponed. It is perfectly immaterial to me.

The VICE-PRESIDENT. The Senator from Oregon withdraws his motion. The joint resolution will go to the Calendar.

HEARINGS BEFORE COMMITTEE ON EDUCATION AND LABOR.

Mr. DOLLIVER, from the Committee on Education and Labor, reported the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Education and Labor be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 5415) granting an honorable discharge to John H. Smith; and

A bill (S. 5416) granting an honorable discharge to John Hebner.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5417) granting an increase of pension to William W. Sechler;

A bill (S. 5418) granting an increase of pension to Sophia Hale; and

A bill (S. 5419) granting an increase of pension to Ira Hess (with the accompanying papers).

Mr. OVERMAN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5420) for the relief of the Zion African Methodist Episcopal Church of Beaufort, N. C.; and

A bill (S. 5421) for the relief of Grace Protestant Episcopal Church of Plymouth, N. C.

He also introduced a bill (S. 5422) to renew and extend certain letters patent, which was read twice by its title and referred to the Committee on Patents.

Mr. BROWN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5423) granting an increase of pension to John S. McCammon; and

A bill (S. 5424) granting an increase of pension to John M. Bayley.

Mr. BRYAN introduced a bill (S. 5425) to amend section 1624, article 34, of the Revised Statutes, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced the following bills, which were severally

read twice by their titles and referred to the Committee on Claims:

A bill (S. 5426) for the relief of Robert Broadbent, Barger Holst, James A. Dunham, Byron Dawley, Axel Rosendahl, and Will J. Elliott; and

A bill (S. 5427) for the relief of Armstead James.

He also introduced a bill (S. 5428) to remove the charge of desertion from the military record of Abraham Collinsworth, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 5429) to facilitate the use for manufacturing purposes of square No. 328, in the city of Washington, as authorized in the act of Congress of February 1, 1907, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. GALLINGER. By request of the Commissioners of the District of Columbia I introduce a bill. I ask that it be read twice and referred to the Committee on the District of Columbia.

The bill (S. 5430) to confer upon the Commissioners of the District of Columbia the powers of a public service commission, was read twice by its title and referred to the Committee on the District of Columbia.

Mr. CURTIS introduced a bill (S. 5431) providing for the control of grazing upon the public lands in the arid States and Territories of the United States, and for other purposes, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 5432) for the relief of the board of county commissioners of Shawnee County, Kans., which was read twice by its title and referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 5433) granting an increase of pension to James T. Ramey, which was read twice by its title and referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 5434) to provide for finishing the crypt of the chapel, United States Naval Academy, Annapolis, Md., as a permanent resting place for the body of John Paul Jones, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. JOHNSTON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5435) for the relief of the heirs or the legal representatives of the estate of George W. Foster; and

A bill (S. 5436) for the relief of the heirs or the legal representatives of the estate of George W. Foster (with accompanying paper).

He also (by request) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5437) for the relief of heirs and estate of James H. Ware, deceased;

A bill (S. 5438) for the relief of Amanda M. Warren;

A bill (S. 5439) for the relief of James T. White;

A bill (S. 5440) for the relief of Francis Wilkes;

A bill (S. 5441) for the relief of Phillip D. Wright;

A bill (S. 5442) for the relief of William M. Underwood;

A bill (S. 5443) for the relief of Sarah Autrey;

A bill (S. 5444) for the relief of Mrs. Cassa Simpson;

A bill (S. 5445) for the relief of J. W. Smart;

A bill (S. 5446) for the relief of Thomas Seymour;

A bill (S. 5447) for the relief of Mrs. Ann E. Sanders;

A bill (S. 5448) for the relief of heirs and estate of Sidney F. Tate, deceased;

A bill (S. 5449) for the relief of heirs and estate of Elizabeth Thompson, deceased;

A bill (S. 5450) for the relief of heirs and estate of Marcus M. Massengale, deceased;

A bill (S. 5451) for the relief of heirs and estate of W. J. Langston, deceased;

A bill (S. 5452) for the relief of heirs and estate of Mary McCaa, deceased;

A bill (S. 5453) for the relief of James R. Nance;

A bill (S. 5454) for the relief of heirs and estate of J. E. Prestridge, deceased;

A bill (S. 5455) for the relief of heirs and estate of Preston Smith, deceased;

A bill (S. 5456) for the relief of heirs and estate of Bradford Hambrick, deceased;

A bill (S. 5457) for the relief of heirs and estate of Thomas Knight, deceased;

A bill (S. 5458) for the relief of heirs and estates of Enoch R. and Louisa J. Kennedy, deceased;

A bill (S. 5459) for the relief of John T. Graves;

A bill (S. 5460) for the relief of heirs and estate of Mirah Ballard, deceased;

A bill (S. 5461) for the relief of heirs and estate of David Crowell, deceased;

A bill (S. 5462) for the relief of Griffin Callahan;

A bill (S. 5463) for the relief of heirs and estate of William Cunningham, deceased;

A bill (S. 5464) for the relief of heirs and estate of Elizabeth and Stephen Cordell, deceased;

A bill (S. 5465) for the relief of heirs and estate of Annie Dunn, deceased;

A bill (S. 5466) for the relief of Ransom Day;

A bill (S. 5467) for the relief of heirs and estate of Minor Gwin, deceased;

A bill (S. 5468) for the relief of heirs and estate of Mathew N. Grimmer, deceased;

A bill (S. 5469) for the relief of heirs and estate of Joseph Logan, deceased;

A bill (S. 5470) for the relief of D. M. Snowden;

A bill (S. 5471) for the relief of William C. Bragg; and

A bill (S. 5472) for the relief of heirs and estate of Solomon Smith, deceased.

Mr. BURROWS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Naval Affairs:

A bill (S. 5473) to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service; and

A bill (S. 5474) for the relief of Harry Kimmell, a commander on the retired list of the United States Navy (with an accompanying paper).

Mr. BACON introduced a bill (S. 5475) for the relief of the estate of J. W. W. Marshall, deceased, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. FULTON introduced a bill (S. 5476) for the purchase or construction of a launch for the customs service at and in the vicinity of Portland, Oreg., which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 5477) authorizing States and Territories to select lands in lieu of lands included within forest reserves, which was read twice by its title and referred to the Committee on Public Lands.

Mr. PROCTOR introduced a bill (S. 5478) granting a pension to Harriet L. Curtis, which was read twice by its title and referred to the Committee on Pensions.

Mr. MARTIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5479) for the relief of the Christian Church of Suffolk, Va.; and

A bill (S. 5480) for the relief of the Methodist Episcopal Church South, of Onancock, Va.

Mr. BAILEY (by request) introduced a bill (S. 5481) for the relief of Richard Cole, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. CLAPP introduced a bill (S. 5482) for the relief of the estate of Francis Mayerhoff, which was read twice by its title and referred to the Committee on Claims.

Mr. WARNER introduced a bill (S. 5483) granting an increase of pension to John Whitaker, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 5484) granting an increase of pension to James Ross, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 5485) for the relief of the board of trustees of the public schools of Darlington, S. C., which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5486) to provide for the arrest of deserters from the naval service of the United States, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. TALIAFERRO introduced a bill (S. 5487) for the relief of the heirs of Aaron W. Da Costa, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5488) granting an increase of pension to James G. Thompson, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5489) granting an increase of pension to William Milford Ingraham, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORE introduced a bill (S. 5490) for the relief of the legal representatives of Anthony W. Cannon, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 5491) to increase the efficiency of the pay department, United States Army, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FRYE. I ask that 100 additional copies of the bill be printed for the use of the Senate document room.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. GALLINGER introduced a joint resolution (S. R. 57) providing for reciprocal trackage arrangements between the Brightwood Railway Company and the Washington Railway and Electric Company in the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TELLER submitted an amendment relative to the agreement between the Confederated Bands of Ute Indians of Colorado and the United States, ratified by the act of Congress approved June 15, 1880, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SUTHERLAND submitted an amendment proposing to increase the salary of the surveyor-general of Utah from \$2,000 to \$3,000, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted an amendment relative to the office of assistant treasurer at Boston, Mass., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GORE submitted an amendment relative to the restrictions as to the sale, incumbrance, or taxation of certain land in Oklahoma, and enabling Nicey Haikey, a full blood Creek, to sell or encumber her interest in the land free from such restrictions, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. MARTIN submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to House bill 15732, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. PENROSE submitted two amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were referred to the Committee on Claims and ordered to be printed.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. WARNER submitted an amendment intended to be proposed by him to the bill (S. 3023) to amend the national banking laws, which was ordered to lie on the table and be printed.

CLAIMS ARISING OUT OF THE MAIL SERVICE.

Mr. BRYAN submitted an amendment intended to be proposed by him to the bill (S. 2803) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine certain claims for compensation for carrying the mails and pay for the discontinuance of postal service, which was referred to the Committee on Claims and ordered to be printed.

ANNUAL REPORT OF THE POSTMASTER-GENERAL.

Mr. PENROSE. I ask for the adoption of the following order:

Ordered, That there be printed for the use of the Post-Office Department 15,000 copies of Annual Report of the Postmaster-General of the United States for the fiscal year ended June 30, 1907.

I will state that the printing called for by this order will cost a little over \$400 and that the order is introduced at the request of the Postmaster-General.

The order was agreed to.

SURVEY OF PROVIDENCE RIVER AND HARBOR, RHODE ISLAND.

Mr. ALDRICH submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of Providence River and Harbor between Kettle Point, Rhode Island, and Gaspee Point, Rhode Island, with a

view to widening and straightening the channel and dredging the same to a depth of 25 feet at mean low water, and to submit a plan and estimate for such improvements.

GROUND FOR PUBLIC BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I submit a concurrent resolution and ask that it be read, printed, and lie on the table.

The concurrent resolution was read as follows:

Resolved by the Senate (the House of Representatives concurring), That the Commissioners of the District of Columbia are hereby authorized and directed to ascertain the lowest purchase price of blocks numbered 226, 227, 228, 229, 230, 256, 257, 258, 259, 260, 292, 293, 294, 295, 349, 350, 380, 381, 382, 461, 575, 576, reservation A, reservation B, reservation C, reservation D, reservation 12, according to the official plat of the city of Washington, not already owned in whole or in part by the Government of the United States, report to be made to Congress at the earliest practicable day, the proposed price of the land and the proposed price of the improvements thereon being separately stated in each case.

Mr. GALLINGER. I should like to say, Mr. President, that the resolution covers the land on the south side of the Avenue concerning which there has been a great deal of discussion. I thought it desirable that we should ascertain if we can how much money it is going to cost the Government before we get any deeper into the project. I simply ask that the concurrent resolution may be printed and go over to come up to-morrow.

The VICE-PRESIDENT. The concurrent resolution will be printed and lie on the table.

AFFAIRS IN RUSSIA.

Mr. HOPKINS submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

Whereas the Congress of the United States recognizes with satisfaction the traditional friendly feeling existing between the Russian people and the people of the United States and the friendly relations past and present between the Russian Government and the Government of the United States, and gladly acknowledges the service rendered by His Imperial Highness the Czar of Russia in summoning the Hague Peace Conference, whose beneficent purpose has been not only to prevent wars between nations but to reduce the horrors of wars which may in future arise; and

Whereas, the Congress has received a petition signed by well-known American citizens in which on the authority of official reports of the Russian Government it is declared "women, children, and aged and decrepit men—patently noncombatants—are maimed and killed," "tortures are applied to prisoners within fortresses and prisons to elicit information," "massacres are planned and effected by the police and military authorities for the purpose of terrorizing the population;" and

Whereas widowed, orphaned, and impoverished survivors of such massacres and cruelties have found their way in large numbers to this country, oftentimes bereft of their natural supporters and in great destitution: Therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States deplores such acts of violence and inhumanity which shock the civilized world and retard universal progress.

WITHDRAWAL OF PAPERS—JAMES W. HOUSER.

On motion of Mr. BURROWS, it was

Ordered, That James W. Houser, the beneficiary named in the bill (S. 569) to correct the military record of James W. Houser, be allowed to withdraw from the files of the Senate the papers filed in support of said bill, no adverse report having been made thereon.

THE FUTURE OF COMMERCE.

On motion of Mr. SMOOT, it was

Ordered, That 5,000 additional copies of Senate Document No. 277, Sixtieth Congress, first session, "The Future of Commerce," be printed for the use of the Senate document room.

MAN AND ABNORMAL MAN.

Mr. KEAN. Mr. President, on Friday, February 14, the Senate entered an order for the reprinting of a document known as "Man and Abnormal Man." It has not yet gone to press, and I move that the vote by which that order was made be reconsidered.

The motion to reconsider was agreed to.

Mr. KEAN. I have opposed the reprinting of that document every time it has been offered here, and I shall continue to do so.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

H. R. 12401. An act to legalize a bridge across the Mississippi River at Rice, Minn., was read twice by its title and referred to the Committee on Commerce.

H. R. 15660. An act to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public laws was read twice by its title and referred to the Committee on Public Lands.

H. R. 16882. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

H. R. 16956. An act to authorize the Hydro-Electric Com-

pany to construct a dam across White River near the village of Decker, in Knox County, Ind., was read twice by its title and referred to the Committee on Commerce.

H. Res. 138. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in Northern prisons and were buried near the prisons where they died, and for other purposes," was read twice by its title and referred to the Committee on Military Affairs.

STATUE OF JABEZ LAMAR MONROE CURRY.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was referred to the Committee on the Library:

Resolved by the House of Representatives (the Senate concurring). That the statue of Jabez Lamar Monroe Curry, presented by the State of Alabama to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of its most eminent citizens, illustrious for his distinguished civic services.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of Alabama.

BOARD OF REGENTS OF SMITHSONIAN INSTITUTION.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 139) for the appointment of a member of the Board of Regents of the Smithsonian Institution.

Mr. CULLOM. I ask unanimous consent for the present consideration of the joint resolution.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the vacancy in the Board of Regents of the Smithsonian Institution of the class "other than Members of Congress" shall be filled by the appointment of Charles F. Choate, jr., a citizen of Massachusetts.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

- S. 57. An act granting a pension to Alvah Moulton;
- S. 523. An act granting an increase of pension to John S. Hyatt;
- S. 524. An act granting an increase of pension to John Lowder;
- S. 638. An act granting a pension to Emily Ayres;
- S. 920. An act granting an increase of pension to Martha A. Kenny;
- S. 1171. An act granting a pension to Mary A. Sands;
- S. 1403. An act granting an increase of pension to Martha Stewart;
- S. 1404. An act granting an increase of pension to John Lourcey;
- S. 1405. An act granting an increase of pension to William C. O'Neal;
- S. 1406. An act granting an increase of pension to Hester Kite;
- S. 1408. An act granting an increase of pension to Elizabeth Sweat;
- S. 1423. An act granting an increase of pension to Nancy Motes; and
- S. 1757. An act granting an increase of pension to Jane C. Stingley.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the bill (H. R. 14638) to enable the city of Tucson, Ariz., to issue bonds for the extension and repair of its water and sewer system, and for other purposes, and it was thereupon signed by the Vice-President.

ACCOUNTS OF POSTMASTERS IN COLORADO.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The SECRETARY. A resolution submitted by Mr. TELLER on February 17, 1908, relating to accounts of postmasters in Colorado.

Mr. TELLER. I ask that the resolution may lie over subject to call. Some Senators may want to look at it.

The VICE-PRESIDENT. The resolution will lie over, subject to call, at the request of the Senator from Colorado.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. ALDRICH. Mr. President, I ask that Senate bill 3023 be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. STONE. Mr. President, it is not my intention to discuss in its larger aspects the financial system or the banking system which has grown up in this country under the fostering care of the Republican party, but I do desire to submit a few observations pertinent to existing conditions and to the pending bill. The panic through which we have been passing for some months, and which still prevails, both as an existing evil and as a menace, is, in a general way and in most discussions, attributed to shortage in available currency. Undoubtedly, this contention has a basis of fact; but it is also true that this shortage was not so much due to an inadequate money volume as to the fact that the money of the country was too much concentrated at given points—or at a given point—instead of being properly distributed. Even under ordinary and normal conditions an undue amount of the nation's money supply is concentrated at New York, and in times when speculation is at fever heat the banks of New York entice still larger sums to their vaults by offering extraordinary inducements in the way of high interest to their interior correspondents. Under these circumstances when a crash comes, as it did last fall, the money of the interior banks is in danger of being withheld from them at a time when it is most sorely needed. When the banks of New York refuse to return the money they have borrowed according to the terms of their contracts, the banks from whom it was borrowed are necessarily embarrassed. As soon as the banks are unable to meet the checks of their depositors and to furnish currency with which to supply the industrial necessities of their respective communities, public confidence is shaken, large sums are stored in secret places, and industrial stagnation results, for money is the lifeblood of business.

When a bank refuses to pay what is due to a customer, it is no answer, or at best but an unsatisfactory answer, to say that the bank has abundant securities, that it is solvent, and that it will be all right as soon as it can get its money from other banks with which it has been deposited. That does not restore confidence nor bring forth the cash which has sought hiding in safety vaults and secret places; that does not calm unrest, nor prevent runs upon and the wreck of banks. We are told that it was to meet conditions arising from these and like causes—causes that produce a scarcity of money—that the pending bill, known as the Aldrich bill, was prepared and reported by the majority of the Finance Committee. Its avowed purpose is to provide a temporary currency to meet an emergency like that through which we have been passing. I am not prepared to say that the bill as it came from the committee, if enacted into law, would be valueless in times of stress or that it would wholly fail to accomplish the end it is intended to subserve; but at most it is only a makeshift, and though possibly it may be better than nothing, although as to that I am far from satisfied, it is constructed on wrong lines, and it is too narrow and circumscribed in its scope. In the first place, I am opposed to conferring these great additional favors and powers upon national banks. In fact, I have never been enamored of this national banking system we have. The idea of a corporation usurping and exercising the functions of the sovereign has always been obnoxious to me. The power they can exercise upon the political and industrial well-being of the nation is enormous; and although it is no doubt entirely true that the national banker is as patriotic as the average citizen, yet money and business with him, as with others, are generally selfish and grasping things, and dividends are often regarded as of more consequence than patriotism. I regard with extreme disfavor the policy of vesting in banking corporations such power as gives opportunity to unduly influence the financial policy of a great people. I object to giving to banks the power to regulate in any degree the volume of the people's currency by expanding or contracting it as it may happen to suit their whim or their interests. We have practically turned over to the 6,000 national banks in this country the high prerogative of supplying the people with money wherewith to transact their business. Under the law they have the right now to take out additional circulation in the form of bank notes to the amount of hundreds of millions above and beyond the circulation it has pleased them to furnish the people, and under the law they have the right now to retire millions of their outstanding circulation from year to year. In other words, they have the high prerogative of supplying a large proportion of our currency and the power to expand and contract it within certain limitations as it may please them.

to do. To pass this bill in its present form would augment that power. It would afford a new opportunity to expand and contract the currency on a larger scale and with greater rapidity than under the present law. Five hundred millions of emergency currency could be taken out, and it could afterwards be returned to the Treasury whenever and as rapidly as the banks might wish to return it.

Counting the present sum of cash money available for ordinary business at \$2,000,000,000, if we should add \$500,000,000 to that sum, under the authority of this bill, it would increase the total available cash to \$2,500,000,000. Of this sum one-fifth, or \$500,000,000, being emergency currency, could be taken out and returned in such a way and with such manipulation as to materially affect property values through a process of rapid expansion and contraction. I fear we may open a "Pandora's box" if we pass this bill in its present form. There is a community of interest between the banks, and cooperation along the whole line to accomplish given objects is not difficult. Combined and under trained and adroit leadership, these institutions can, as they have often in the past, exercise a tremendous influence on our financial and business affairs and on our national public policies. Instead of conferring additional powers and privileges upon them I would esteem it by far the wiser course to curtail the powers and abridge the opportunities they already enjoy. Mr. President, I am not altogether opposed to what is called an "emergency currency," but I would have the Government itself issue the money instead of the banks. I would have the Government issue the currency—full legal-tender currency—instead of delegating the power of issuing it to corporations it had created; and the return of the money to the Treasury should be so regulated and made so gradual as to prevent a destructive depreciation of values by a too rapid contraction. So far as the redemption of this proposed new currency goes, the Government is ultimately liable in any event, even though the money issued under the terms of the bill should be in the form of bank notes put out by national banking associations. True, the Government would hold the securities of the banks to indemnify it against loss whenever it should redeem any of this currency on the demand of the holder, but why go about the business in this circuitous way? Why authorize the banks to issue emergency notes, which would not be legal tenders, when the Government might issue a full legal-tender currency, and therefore a more valuable currency, and take securities in its own name sufficient to insure the return of the money to the Treasury when the necessity for its issue had passed?

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. HOPKINS. Would it disturb the Senator if I asked him a question?

Mr. STONE. Certainly not.

Mr. HOPKINS. I desire to ask for information.

The Senator is now suggesting a new method of currency, to be issued by the Government. I should like to ask the Senator if during his speech he will develop how such an emergency as occurred in the latter part of October last could be reached by the Government currency such as he speaks of.

Mr. STONE. Reached in what way?

Mr. HOPKINS. How would you get a hundred million or two hundred million or three hundred million dollars of money out within a few days in order to stop such a crisis as we had the latter part of October, 1907?

Mr. STONE. It could be deposited in depositories.

Mr. HOPKINS. Mr. President, I think I now understand the Senator. The Senator would have Government money and allow the banks to take the money the same as they hold it now.

Mr. STONE. Money issued by the Government, legal-tender money, could be placed in the banks as an emergency currency substantially as is provided for in the Aldrich bill for placing bank notes in the banks.

Mr. HOPKINS. Suppose the Government was to issue \$200,000,000 under a call of that kind. The Senator, if I understand him, would have the money deposited in the various banks. How would the Senator have the Government protected in the distribution of the \$200,000,000?

Mr. STONE. Protected in what way?

Mr. HOPKINS. Under the Aldrich bill if \$200,000,000 are to be distributed to the banks the banks are required to put up bonds with the Secretary of the Treasury to protect the Government.

Mr. STONE. Yes.

Mr. HOPKINS. If they are municipal bonds, the banks can receive in currency only 90 per cent of the value of the bonds; if railroad bonds, only 75 per cent.

Now, the Senator from Missouri says he would do away with this plan entirely. He would not have the banks issue the money at all, but would have the Government do it, and he would have the Government's money deposited with the banks. Now, what method of security does he favor for the Government?

Mr. STONE. The Senator goes into a matter of detail, but substantially the same process could be followed in putting out Government money, the same securities could be provided for, the same rate of interest could be charged, and the same provision made for its return that might be made in case the issue was of bank notes. Why not?

Mr. HOPKINS. I was simply getting at the manner by which the Senator would make his bill practical. As I understand the Senator under these inquiries, he would make the national banks the Government agents in nearly the same form that they would be under the Aldrich bill?

Mr. STONE. That might be. Mr. President, there is pending a substitute to the Aldrich bill, offered by the Senator from Texas, to substitute Government notes for bank notes, with a provision for depositing it, for putting it in circulation, with interest charges upon it, and for its return to the Treasury. I do not care to discuss the details of that proposition, but that proposition furnishes an answer to the inquiry of the Senator from Illinois.

Mr. HOPKINS. I will say that I am familiar with the amendment which is to be proposed by the Senator from Texas, but I did not understand the Senator's remarks to be in favor of that measure. I had supposed, from his remarks, that he had a scheme of his own—

Mr. STONE. I have no special scheme.

Mr. HOPKINS. And that was the reason why I put to him the question that I did.

Mr. STONE. It is not my purpose to discuss the details of any particular bill, unless it be to some extent the Aldrich bill, but I desire merely to indicate in general terms my preference for some such plan as I have outlined in favor of Government currency instead of bank currency.

I am one of those old-fashioned Democrats who still believes that it is the constitutional function and duty of the sovereign, in this case the Government of the United States, to make money for the use of the people, and I feel that the Government is engaged in a sorry business whenever it abdicates that high function and delegates that sovereign power to an individual or corporation. After all we depend upon the Government, not upon the banks, to uphold the stability of our currency. The permanent value of the bank note depends ultimately—aye, primarily—upon the fact that the Government of the United States is behind it. Its value rests upon the faith our people and the world have in the credit of the Government. Sweep aside the banks and substitute the Government instead and the currency you are seeking to provide against emergencies can be supplied just as readily and conveniently by the Government itself as it can be in a secondary way through the agency of the banks. I shall vote therefore, Mr. President, for the emergency Treasury note instead of the emergency bank note.

Mr. President, at this juncture I wish to add that it seems to me that no good reason exists why State banks and trust companies, as well as national banks, should not be permitted to avail themselves of the privileges of this proposed enactment. The currency to be issued is an emergency currency intended to be used to bridge over a temporary strain upon the resources of banks, and to be subject to such interest charges as will compel its return to the Treasury when the need for it is past. If a State bank, serving important constituencies, can furnish the required securities, why should it not be permitted to avail itself of the benefits of this emergency issue and thereby serve a public necessity? The Senator from Georgia [Mr. Bacon] has introduced a bill having this object in view, and if he can embody the substance of that bill in an amendment to this bill in such a way as to make it germane and pertinent I will take pleasure in supporting it.

RESERVES.

Mr. President, while we are dealing with this subject of an emergency currency there are two or three other things so related to it that they ought to be dealt with at the same time. The sole purpose of the pending bill is to provide for emergencies arising in times of financial panic. While in the business of legislating to ameliorate the evils of an effect, why should not we at the same time do something to eradicate the cause? To-day we see and feel the effect, and anticipating its continuance and repetition, the Finance Committee, or a majority of it, are proceeding with the narrow and single idea of softening the

severity of this effect, while leaving untouched the causes which produced it. We may not know all of these causes, but we do know some of them. While striving to alleviate the effect, why not at the same time strive to eradicate as far as possible the cause? One cause which produces these financial lockups and panics is due to the fact that too small a percentage of the legal bank reserves are held in the banks to which the reserves belong. Under the law the average national bank is required to keep at least 15 per cent of its deposits as a reserve. A few of the larger banks in the larger cities—reserve cities and central reserve cities, as they are called—are required to keep 25 per cent of their deposits in reserve. But the law also permits the average bank to deposit three-fifths of its reserve in the reserve city banks, retaining only two-fifths in their own vaults, and the reserve city banks can loan out practically one-half of this money when deposited with them—money which the banks depositing it could not themselves ordinarily loan to their own customers. Last fall when the New York banks arbitrarily refused to pay currency to their customers the outside banks found that three-fifths of their legal reserves were caught in the trap. If this money, or the greater part of it, had been kept at home and had been in the vaults of the banks to which it belonged, there would have been millions of ready cash available, and there would have been doubtless little occasion for the interior banks to suspend cash payments across their counters, and they would no doubt have been able to supply an adequate volume of currency to move the crops and transact the business of their communities. It has been said that even if these reserves had been kept in the local banks they could not have been used without contravening the law, the theory being that reserves are held as a security or safety fund and can not be introduced into the ordinary course of business; but I do not think that that is absolutely true under the terms of the law, and it is certainly not true in the actual practice of the banks. The reserves are held not alone as a foundation of solvency, but also as a base upon which business may be transacted in times of emergency and stress. I have no doubt that reserves can be treasured upon, at least for the purpose of paying depositors. But in any event if this emergency legislation upon which we are now engaged is to be enacted, the banks should be required to keep a larger percentage of their reserves at home, instead of farming them out to distant banks.

They could invest these reserves in State, county, and municipal bonds, bearing 3 and 4 per cent, and hold them as a part of their reserves. A bond bearing 4 per cent per annum would produce as much in the long run as money loaned to the New York banks, which yields a part of the time as low as 2 per cent, and rarely ever higher than 6 per cent to the depositing bank. If that should be done, then in times of emergency the banks could, under the provisions of the proposed law, use their bonds, or a part of them, to procure emergency currency at the Treasury to tide them over. The Senator from Rhode Island himself put a provision in his original bill requiring the banks to hold at least three-fifths of their reserves in their own vaults, and he said in the debate on Tuesday last that he still believed that provision to be wise, but that he had consented to its elimination in order to confine the pending measure to the single purpose of providing an emergency issue; but, Mr. President, if the evil we are legislating against can be even partly traced to this cause is it not the height of folly to ignore the cause while providing a temporary relief for the immediate effect? Unless we strike at the root of the evil we fall at the most important juncture of our duty, and all we can hope to accomplish will be only a piece of patchwork of little consequence. Therefore, I shall vote to embrace in this measure some remedy for this productive source of financial misfortune.

GUARANTY FUND.

Mr. President, some provision ought also to be made in this bill to protect depositors in national banks against loss in the event of a bank's insolvency. These banks enjoy great special privileges, and loss by a depositor who intrusts his money to their care should be made as nearly impossible as may be, and the fact that provision was made to guarantee depositors against loss would greatly strengthen the credit and increase the usefulness of the national banks. Two propositions having that end in view are pending. One of these is in the form of a bill (S. 3028) introduced by the Senator from Texas [Mr. CULLESON]. This bill provides in substance for an association of national banks, and that whenever a bank belonging to the association fails the Comptroller of the Currency shall as speedily as practicable assess the remaining banks in the association their pro rata of the indebtedness due depositors by the insolvent institution, and to collect and pay the same to the depositors entitled thereto. It further provides that when the

affairs of the insolvent bank are wound up the revenue realized from its assets, after paying expenses, shall be distributed pro rata among the contributing banks of the association in proportion to their respective contributions. The bill of the Senator from Texas does not make it compulsory upon any bank to enter the association, but it would deny certain privileges to those who refuse to enter which would be enjoyed by those who become parties to the compact. If this plan should be adopted, I have no doubt that practically every national bank in the country would sooner or later take membership in the association. The bank refusing to do so would place itself more or less under suspicion and would operate at a disadvantage.

The Senator from Minnesota [Mr. NELSON] has given notice that he would propose an amendment to the pending bill to the general effect that one-third of all taxes to be paid by national banking associations upon the average amount of their notes in circulation should be set apart in the Treasury of the United States as a permanent special fund, to be termed the "Depositors' fund," to be used in paying all depositors, except the United States, the amount of their deposits in any national bank that had become insolvent and for which a receiver had been appointed. This proposed amendment would make it the duty of the Secretary of the Treasury to pay all depositors of an insolvent bank, except the United States, the amount of their several deposits out of this special fund, and the United States would be subrogated to all the rights and remedies of the depositors, and the moneys collected by the United States as a result of such subrogation, or so much as might be necessary to restore the amount taken from the fund would be returned to the fund. The Senator from Minnesota would limit the amount of this special fund to the sum of \$10,000,000. I think it would have improved the proposition if the Senator had provided for a fund of \$20,000,000 instead of \$10,000,000, and also to have provided for a special additional tax—a small tax, of course—for the purpose of creating and maintaining the fund. However, that is a matter of detail, and it is not my purpose at this moment to discuss this question of a guaranty in detail, or to make comparison of the respective merits of the two propositions to which I have referred. I am not so particular about the form as I am about the substance of such a law. I am measurably indifferent as to the exact method that may be adopted to secure the end. What I want to see done is to have some provision inserted in this legislation that would accomplish the end in view. I shall vote, therefore, to incorporate some such provision in the pending bill.

Mr. BACON. Mr. President, I do not wish to unduly interrupt the Senator, but I should like to have his view upon one consideration in connection with the matter which he is now presenting to the Senate, and which I understand he has practically concluded.

I presume it will be recognized that no bank can do a profitable business unless it has a reasonable line of deposits. I presume it will also be recognized that if the national banks were under the law so situated that they could guarantee deposits and avail themselves of the opportunity, they doubtless would do so for the reason suggested by the Senator, that those who did not avail themselves of the opportunity would be under suspicion and at a disadvantage. Is it not true that under such a condition of affairs the national banks would have a monopoly of deposits, and would not the inevitable result be to run all State banks out of business?

Mr. STONE. I have not any doubt, Mr. President, that if it were the law that depositors in national banks were secured against loss by reason of a fund in the Treasury provided for that purpose, or by reason of an association of banks under a law authorizing it, or in any other way, it would have the effect of strengthening them, and might also injure the deposit business of State banks, unless the States should also take some legislative action of like kind, so as to secure the depositors who intrusted their money to the custody of State institutions.

Mr. BACON. Now, if the Senator will pardon me a moment—

Mr. STONE. Just a moment. I understand that that has been done in the State of Oklahoma recently.

Mr. BACON. Yes.

Mr. HOPKINS. And refused to be done in Kansas.

Mr. BACON. As suggested by the Senator from Illinois, it has been refused in another State. It would be very difficult to secure uniformity of action in forty-six different jurisdictions.

But there is a serious practical result involved in the suggestion of the Senator from Missouri, to which I desire to call his attention. In the first place, there is not the opportunity for the States to hold out the inducements to the State banks which there is to the Federal Government to hold out inducements to the national banks, owing to the fact that there is no such large

amount available for deposits on the part of the State authorities as there is on the part of the Federal Government for deposits in national banks, or not even in a proportional degree.

But the point I want to call the attention of the Senator particularly to, from a purely practical standpoint, is this: National banks are under an obligation to issue a certain proportion of their capital in bank notes. That is the original purpose really of the organization of national banks, and in so doing to make a market for United States bonds. The amount of bonds which is available as a basis for the issuance of bank notes is limited. Of course it varies.

This statement from which I now quote was obtained probably a month ago from the Comptroller: The circulation of national banks, which at that date was the largest circulation that had ever been issued in the experience of national banks, was \$694,336,586. The amount of bonds of all kinds which were available at that date as a basis for circulation was \$898,210,050, showing a surplus of some \$200,000,000. In other words, the entire bonded indebtedness available as a basis of currency only exceeded the amount of currency by \$200,000,000.

We know the fact that the proportion of national banks to State banks is of a degree which would not be covered by that margin. In other words, I know, although I have not the figures before me, the proportion of State banks to national banks is very much greater than the proportion of \$200,000,000 to \$700,000,000, which is now the proportion between the amount of bonds available as a basis of currency and the amount of currency actually issued.

If all the State banks were driven out of existence, there is not a bond issue sufficient to supply the place of the State banks. The State banks would not, by reason of that deficiency, endeavor to remain in existence. State banks would then, as now, only remain in existence for the purpose of making money, and if you adopt a system by which confidence would be destroyed in State banks, or, rather, by which the preference for the national bank is so great that everybody will choose the national bank as a place of deposit rather than the State bank, you necessarily drive the State banks out of business. There is not enough of bond issue upon which to then rest a basis of currency which would be sufficient to so increase the number of national banks as to fill the vacancy that would be caused by the disappearance of the State banks from the business of the country.

I will not interrupt the Senator to press that matter further, but there are other reasons to me equally grave and potential why we should not favor any system of guaranteeing the deposits of banks.

Mr. STONE. The State banks of course are not banks of issue, but of deposit. The existence or nonexistence of State banks would not affect the volume of the currency. Whenever there was need of a bank a State bank would be established if for any reason a national bank was not or could not be established.

Mr. President, I believe in the wisdom of the policy of guaranteeing depositors, or, rather, of providing a fund out of which depositors of insolvent banks may be paid. I think that is a policy that ought to be established in the States who deal with State banks, as well as by the General Government in dealing with national banks. There is to my mind every good reason in favor of the State governments, which charter banks and authorize them to do business substantially as the National Government charters national banks and authorizes them to do business, to make some provision through the banks themselves by levying special taxes or otherwise, to safeguard the depositors who have intrusted their funds to them against loss when a bank, through improvidence, becomes insolvent.

I say I think that that policy ought to obtain in the States as well as in the National Government. But from this place we can not deal with State policies. We can, however, deal with the national banks, and if the policy is fundamentally right and economically sound, then it ought to be established, in my judgment, in regard to national banks, and let the States take such action as they please or as they may deem proper with reference to banks established under their local laws.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER (Mr. BULKELEY in the chair). Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. Certainly.

Mr. SMOOT. I should like to ask the Senator if he does not think if the Government guaranteed the deposits in national banks almost every schemer and promoter who thought the banking business was a very easy business to handle and there was a great deal of money in it would start up banks all over the country, and if it would not be the means of increasing to

a very large extent the failures in national banks, so that instead of a loss by failures as there now is of one-tenth of 1 per cent on an average that that would be multiplied a great many times?

Mr. STONE. I do not see any force in that objection. There may be something in the objection made by the Senator from Georgia. Indeed, that is the principal objection urged to the plan of providing a guaranty fund for the national banks. Personally I do not think there is much in it. So far as the objection made by the Senator from Utah—

Mr. BACON. If the Senator will again pardon me in this connection, I wish to say that, while I am not prepared to state what is the proportion of the capital of State banks to national banks, so far as deposits are concerned, I think the figures show that the deposits of national banks are only about one-third of the total deposits in the banks of the United States.

Mr. STONE. That is substantially correct.

Mr. SMOOT. I will say to the Senator from Georgia that the capital stock of the State banking institutions is a little more than the capital stock of the national banks.

Mr. STONE. And the deposits are larger.

Mr. SMOOT. And the deposits are larger.

Mr. STONE. Much larger.

Mr. SMOOT. Very much larger.

Mr. BACON. Twice as large.

Mr. STONE. Now, as to the suggestion of the Senator from Utah; I think, Mr. President, that the Treasury officials, being—as they are, or ought to be—capable and experienced men, honest and upright, would sufficiently guard the public interest against the establishing of wild-cat banks. The Treasury officials always look into the character, standing, and ability of the men who ask for charters. It is their duty to do so. All the things that are necessary and proper to be looked into before granting the charter are examined, and if unworthy or discredited men should ask for the privilege of establishing a national bank, I assume they would be denied a charter. I do not see any special force in the objection made by the Senator from Utah.

INTEREST ON DEPOSITS.

At the proper time, if no one else shall do so, I shall myself propose an amendment to the act approved March 4, 1907, amending the national-bank act, so as to require the Secretary of the Treasury in distributing the deposits of public moneys in national-bank depositaries to make the distribution according to population as shown by the last preceding census of the United States, and also requiring the banks accepting such deposits to pay to the Government of the United States interest upon the deposits at a rate not less than 2 per cent per annum upon their daily balances. The act of March 4, 1907, made it obligatory upon the Secretary of the Treasury to distribute these deposits of public moneys as equitably as possible among the different States and sections of the Union. As a matter of fact, the distribution was most inequitably and partially made, the eastern banks, particularly those of New York, receiving vastly more than they were entitled to. If these deposits had been fairly distributed upon an equitable basis in obedience to the mandate of the law, there is every reason to believe that the strain upon the western and southern banks would have been greatly relieved and the financial conditions in those sections greatly improved.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. CULLOM. In the absence of the chairman of the committee, who has charge of the unfinished business, I ask that it be laid aside for the present.

The VICE-PRESIDENT. The Senator from Illinois asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Missouri will proceed.

Mr. STONE. Mr. President, sophistical arguments about capital and surplus, volume of business, clearances, and centers of trade are not satisfactory. When we come to analyze the reports of the Comptroller of the Currency and the answer which the Secretary of the Treasury has made to criticisms of his action on this floor, we find that, even when the distribution made is justified on the basis of banking capital and surplus, the discrimination in favor of the northeastern section is still apparent. Undoubtedly New York is the chief financial center of the country, too much so for the country's good, and the volume of its clearances is vastly in excess of those of other cities; but, Mr. President, these clearances are not necessarily indicative of healthful and legitimate commerce or of an honest and legiti-

mate business. What proportion of the New York clearances is due to stock gambling? Stock gambling is carried on in other centers, but the volume of these transactions in New York, often predicated on margins, and when not so predicated are still often fictitious and meretricious, is greater than all the other cities combined. I have read the defense of the Secretary, but it is not satisfactory or convincing. The law should be so amended as to compel an equitable distribution of the public deposits, instead of lodging the matter of distribution in the discretion of the Secretary, with a door open for the abuse of that discretion.

And, Mr. President, the banks receiving these deposits ought to pay interest upon them. In many States, my own among them, the banks receiving deposits of public moneys pay interest upon them. Why should not the same rule apply in the case of the Federal Government? Hundreds of millions of public moneys are placed in these depositories without interest, and banks receiving them loan the money to the people as they loan any other money committed to their custody. In this way they reap a large reward; it is a source of large profit to them, and why should they not pay to the Government some small per cent in the way of interest for the use of the public funds? To be sure these funds are subject to the call of the Treasury Department, but so are the moneys, at least the great bulk of the moneys, deposited by private customers, and the bank depositories can calculate with greater certainty when the Government will call for money than when an individual will call. True it is, also, that these depositories are fiscal agents of the Government and are supposed to transact more or less business for the Treasury, for which they received no compensation except that derived from the use of the public deposits. I assume that the business which these depositories transact for the Government or the Treasury is not such as would ordinarily entitle them to much compensation, and it would be better for the Government to collect interest on its deposits and in turn pay for any services the banks might render. It would be wise, as has been suggested, to charge interest on public deposits and cover the sum realized into a guaranty fund for the protection of private depositors. In view of these considerations I shall vote to add a provision to the pending bill to establish and enforce the policy I have indicated.

In this connection I might say that I have recently read an interesting article in the American Banker of December 7 last, written by Mr. H. E. Trader, cashier of a bank at New Cambria, Mo. In this article Mr. Trader advocates, among other things, the creation of a board of governors or directors for the Treasury. He makes complaint, a complaint too often justified by the facts, that the Secretary of the Treasury is clothed with too great discretionary powers, powers that may be abused by him or by his subordinates. No bank president or cashier, he says, would be permitted to run the affairs of a banking corporation without the supervision of a governing board, and he regards the policy of permitting one man to manage the stupendous affairs of our National Treasury almost at discretion as crude and remarkable. Strange things have happened about the Treasury. It has come to pass in recent years that men holding even subordinate yet responsible positions in the Treasury—men without special training in the science of banking, and who had not previously demonstrated any special abilities as financiers—have graduated from the Treasury into responsible positions, such as president and vice-president of great financial institutions at opulent salaries. If some great bank or combination of banks should desire some millions of dollars for some special uses of their own, and could persuade some subordinate official of the Treasury holding a place of authority and influence to have the sum desired taken from the Treasury vaults and deposited with the banks, that official would render the banks a signal service—a service for which some signal reward might be expected. Such a thing might be done in conformity with law, and done even without the special knowledge or direction of the Secretary. It is practically impossible for the Secretary of the Treasury, however great his abilities or high his purposes, to keep the enormous transactions of the Treasury Department under his own eyes. Abuses are possible, and where they are possible they should be guarded against. I do not know that the suggestion of Mr. Trader is the best that could be made, but it is upon a right line, and, although I do not expect to have anything done in that behalf at this time, I have deemed it a matter of sufficient moment to call attention to it.

STOCK GAMBLING.

Mr. President, there is another thing to which I wish to call the attention of the Senate, and that is the stock-gambling mania in New York. Stock gambling has grown to be an evil of such dimensions as to threaten the stability of our banking system. The present panic is as much due to this monstrous

evil as to anything else. I do not expect that any effort should be made in this bill to curb this evil, for an effort of that kind would not be germane to the pending legislation, as it affects only in a collateral way the banking system, and then again if any legislation upon that line is to be attempted it would necessitate careful and elaborate treatment, for the subject is both complex and difficult. Nevertheless I think it is a subject upon which legislators should bend their thought and ascertain if some plan can not be devised to end, or at least greatly restrain, the gambling concerns known as stock and produce exchanges. As I have said, the greater part of this gambling is carried on in New York, although it is also carried on on a large scale in nearly all the important cities of the country. The banks advance enormous sums to speculators in stocks and futures and take the things in which the gamblers speculate as security for their loans. Recently I read the following from a leading New York paper:

When the recent panic became acute in November the clearing-house banks reported deposits of over \$1,000,000,000. Of these deposits one-half were due to other banks. Of the loans, which slightly exceeded the deposits, over half were on stock exchange collateral—that is, the money collected from millions of depositors throughout the country by their local banks was used as the basis of Wall street credit and was the real money in the stock-exchange game.

Interest rates charged by the banks ran up to a point impossible to be thought of in legitimate business transactions, reaching in some instances as high as 200 per cent. Because these high rates of interest, so tempting to greed, were offered by speculators in stocks, and because of the fact that the banks themselves by reason of their vast loans to speculators had become involved in stock transactions, their commercial customers were denied accommodations. It has been reported that between 1896 and 1906 the New York bank loans on stock-exchange collateral increased from \$162,361,654 to \$442,210,705, while commercial loans increased in the same period from \$151,795,029 to only \$259,340,272. Nearly twice as much was loaned to stock speculators as was loaned to commercial customers. This shows to what extent the banks have become involved in stock transactions by holding stock-exchange collateral as security for their loans, and it shows how the money of the people, committed to the banks, is being diverted from the legitimate channels of trade into the vortex of the gambling exchanges. Last autumn when the country banks called for the money they had deposited in New York their demands could not be met for the reason that their money was tied up in stock speculations. Mr. President, these gigantic gambling schemes, carried on in the great commercial and banking centers of the country, would not be tolerated in any other civilized country on the globe. Undoubtedly stock speculations are engaged in on the exchanges abroad, but in many countries of Europe these transactions are regulated by the government and in some the transactions are subject to a special tax. In Germany transactions in futures on agricultural products, and selling of industrial stocks are forbidden except in certain cases between registered parties. The French system is said to be analogous to the taxing, licensing, and regulation of ordinary gambling houses by the Government. Such a thing as a great bank standing behind these gambling houses is unknown in the leading countries of Europe. The policy of American banks in discounting what are called finance bills—or in other words, making loans and passing credits on stock securities involved in stock transactions or speculations—has been disapproved by the leading banks of Europe. I am told that the Bank of France declines any longer to make advances on American finance bills, so called, although willing to loan on cotton, wheat, corn, and other like tangible properties. The Bank of England not only refuses to discount American finance bills, but has notified its customers that they must not do so, and the Bank of Germany has adopted the same policy. In this country it is different. Here the stock broker arranges with his bank through a system of time and call loans on stock-exchange collateral, and for the right to overdraw this balance to some given amount. At the end of a day's transactions, the brokers get certified checks for the sums they are to pay, which they exchange for the stock certificates they have purchased, and these they deposit with their banks to make good their overdrafts. When the banks become loaded with these securities they are more or less compelled to uphold their value in order to protect their loans, and the strain necessary to accomplish this is sometimes so great that the banks are compelled to curtail and even to deny accommodations to their commercial customers, and render themselves unable to take care of their depositors. A very interesting commentary on stock-gambling transactions, and the manner and extent to which banks become involved in them, was recently made in one of the New York papers, and anyone having time to read it would find it to be instructive.

But, Mr. President, aside from the fact that these gambling

transactions disturb the financial conditions and menace the financial safety of the country, they are demoralizing and most injurious to legitimate business in other ways. They are bad from every point of view and, in order to save the country from much of the harm resulting from them, ought to be put under rigid governmental regulation. It may be that primarily it is the duty of the States to deal with the subject within their respective jurisdictions. But there is one thing the Government of the United States may do; it may impose a revenue tax upon each transaction. If the Government of the United States can not constitutionally prohibit and wipe out this gambling saturnalia, it can at least lay its hand upon the gambler and extort from him a tax for using the privilege the State permits him to exercise, and to the extent that regulation may be necessary to accomplish this, the General Government may assert itself.

As I have said, Mr. President, I do not call attention to this subject with any idea that it will be considered in a practical way at this time, or that anything relating to it shall be attempted in this connection, but it is so related to the panic, and has to such a great extent contributed to it, that it seems to me that the Congress is under an imperative obligation to give to the subject its most thoughtful consideration. It is a matter to which attention should not be longer delayed, and some effort should be made to extirpate this prolific source of financial ills.

CONCLUSION.

Mr. President, in conclusion I desire to say that the only compensation I derive from contemplating the widespread disaster which has prevailed for months past throughout the land, comes from the fact that this disaster falls upon the country at a time when the Republican party is supreme, and after it has been supreme in all Departments of the Government for more than a decade. During the memorable struggle of 1896, and in every recurring Presidential contest since that time, the Republicans sounded a note of promise and a note of warning. They promised that if the Republican party should be successful and Republican financial and tariff policies should prevail, the country would be not only prosperous, but that industrial disasters would be impossible; and at the same time they warned the country that the exact reverse would be true in the event of Democratic ascendancy. Both of these notes were false notes, but, Lord, how they rung them with multitudinous variations. In 1896 the country was told that the Democratic party favored a cheap dollar, a dishonest dollar, and that if its policy should obtain we would have dollars of differing values and purchasing power. The position of the Democratic party was grossly and wickedly misrepresented. There never was a day when any Democrat advocated or desired a monetary system under which the different moneys issued by the Government would possess a different value. We believed as much as the Republicans or any others believed in the doctrine of parity. While it is true that the Chicago platform of 1896 enunciated the policy of free and unlimited coinage of both silver and gold at the ratio of 16 to 1, and while it is also true that at that time the commercial value of silver was below that ratio, yet we believed that if silver should be put on a par with gold in the mintage of the country it would have the double effect of depreciating the value of gold by relieving the pressure upon it, and of appreciating the value of silver by increasing the demand upon that metal; and we believed that as one metal rose and the other fell in commercial value they would come together, after careful and judicious experiment, at approximately the old ratio of 16 to 1.

But if it was found to be impossible to bring them together at that ratio, then it was the policy of the party to remit the question of changing the ratio, as had been done before, to the wisdom of Congress so as ultimately and as speedily as possible to insure the parity of the metals. It was always the fixed purpose of the party to hold the gold and silver dollars at a parity. The silver issue was born of the exigencies of that period. Beyond all reasonable controversy the volume of currency in America was at that time grossly inadequate to meet the needs of the people, and as a consequence values and wages had fallen and the industrial activities of the country were stagnated. We believed then that the one crying need of the hour was more money with which to do the business of the country—not cheap money, but good money, every dollar worth a hundred cents. We saw no opportunity or means of increasing the money volume at that time except by a restoration of free silver coinage. We did not care for silver per se any more than for gold. If we had known then that within the next ten years there would be new discoveries of gold deposits in such vast quantity as practically to double the world's supply of that metal, there would probably never have been what was known as "the silver issue." We recognized the crying necessity for additional money, and our contention was that an adequate increase in the volume of money would eventuate in the revival

of our industries and in the enhancement of property values and labor wages. The history of the last decade has demonstrated the correctness of that contention. Enormous additions to the gold supply have come from new discoveries, and additions to our money volume have been made from year to year, until to-day the aggregate sum of our possible circulation is nearly double what it was in 1896. As the money volume grew business conditions improved, industries revived, values rose, and wages increased. In other words, what we said would happen did happen as the result of the increase in the money volume. With plenty of money to meet the business needs of the country the country moved out from the shadow into the sunshine along the pathway of national prosperity. This prosperity was really due to the realization of a Democratic policy. It came not because of the Republican party, but in spite of it. As a matter of fact, the progress of this prosperity was delayed and its continuance made impossible by reason of the fact that the Republican party was in power. Upon the flanks of this prosperity hung the dead weight of Republican policies—policies often not even related or but remotely related to the coinage, which sooner or later was sure to precipitate new vexations and fresh disasters.

Gentlemen, you have given us a financial system which is but a patchwork, a sort of crazy quilt, which turns the financial well-being of the country over to the keeping of a great association of banking corporations, without taking pains to sufficiently safeguard the people against abuses, and you have fastened upon us a taxing system under the operation of which grasping monopolies are created to plunder the people. At last the chickens have come home to roost, as they were bound to come in time, and at last we have learned in the painful school of experience that the Republican party is not, after all, the evangel of prosperity. Now they may take off the armor in which they boasted and put on the sackcloth of humiliation. I prophesy that many moons will wane before they will again point at Democrats and sing in strident chorus the "song of the soup house." The full dinner pail will not be again blazoned as an emblem of triumph on the Republican shield. Caricatures of workmen tramping in tattered apparel will be no longer borne on Republican transparencies as a warning to the wage-earner to flee from the Democratic party as from the breath of a pestilence. The disguises, shams, and pretenses under which Republican victories have been won will not be so potent in the future as in the past, and this year at least they must meet us unmasked, face to face. Mr. President, this panic, bad as it is, might have been infinitely worse if the Democrats of the country had imitated the example set them by their political opponents. During the latter years of the Cleveland Administration and during the contest of 1896 Republicans throughout the country seemed bent on making things worse than they were and of precipitating instead of preventing a panic. Not a hand among them was raised to stay the tumult, but there was an ever-swelling clamor to increase it. Banks coerced their customers, corporations coerced their employees, politicians thundered denunciations, and millions of money were contributed to create false impressions and achieve party success. How differently have Democrats conducted themselves in the present crisis. Democratic newspapers, Democratic business men, Democratic Congressmen, Democrats everywhere, have striven to allay excitement, to stem the tide and restore normal conditions as speedily as possible. Republicans themselves, who are primarily responsible for this disaster, have not been more diligent in this behalf than have the Democrats of the country. The contrast is remarkable, and it is a source of inexpressible gratification to me. I regret that these ills have befallen the country, I regret the injuries they have done, but they afford a good reason for looking to the future with satisfaction. I look around me and see and hear so much to encourage that I am inspired with a feeling of profound confidence that the day is at hand when the destinies of this country will be again committed to the party of Jefferson and Jackson. When that auspicious day shall come, as come it will, we will go forward sanely along a mounting way developing great enterprises and fostering our splendid industries; and though we shall strive to lift the country to a higher eminence than ever before, we will not forget to reverence the Constitution and guard our institutions against all who would undermine them.

ACTION OF NEW YORK CITY BANKS.

Mr. HEYBURN. Regular order, Mr. President.

Mr. CULBERSON. Mr. President, I ask the Senator from Idaho kindly to yield to me in order that I may now ask to have considered a resolution in reference to the action of New York City banks which I heretofore offered.

The VICE-PRESIDENT. The Senator from Texas asks unanimous consent for the present consideration of the resolution named by him.

Mr. HEYBURN. I will yield to the Senator from Texas for that purpose before the unfinished business is taken up.

Mr. CULBERSON. I ask that Senate resolution No. 88 be laid before the Senate and put on its passage.

The VICE-PRESIDENT. The Senator from Texas asks unanimous consent for the present consideration of the resolution named by him, which will be read.

Mr. CULBERSON. I will state that I have consulted the Senator from Rhode Island [Mr. ALDRICH], chairman of the Committee on Finance, and he has assured me that he has no objection to the passage of the resolution.

The VICE-PRESIDENT. The resolution will be read for the information of the Senate.

The Secretary read the resolution submitted by Mr. CULBERSON February 3, 1908, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate if any national banks outside the city of New York complained by telegrams or letters to the Treasury Department, the Secretary of the Treasury, the Treasurer of the United States, or the Comptroller of the Currency, between October 1, 1907, and November 15, 1907, of the refusal of national banks of New York City to pay in cash New York exchange or to respond to calls for reserves; and if so, the Secretary is directed to send to the Senate copies of all such telegrams and letters.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CLAPP. I desire to offer an amendment to the resolution. At the end of the resolution I move to insert the words "and answers thereto."

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. At the end of the resolution it is proposed to insert the words "and answers thereto," so as to read:

The Secretary is directed to send to the Senate copies of all such telegrams and letters and answers thereto.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

The resolution as amended was agreed to.

REVISION OF THE PENAL LAWS.

Mr. HEYBURN. Mr. President, I now call for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. The first section passed over will be stated.

The first section passed over was section 51, on page 28, as follows:

SEC. 51. [Whoever shall cut, or cause or procure to be cut, or shall wantonly destroy, or cause to be wantonly destroyed, any timber growing on the public lands of the United States; or whoever shall remove, or cause to be removed, any timber from said public lands, with intent to export or to dispose of the same; or whoever, being the owner, master, or consignee of any vessel, or the owner, director, or agent of any railroad, shall knowingly transport any timber so cut or removed from said lands, or lumber manufactured therefrom, shall be fined not more than \$1,000, or imprisoned not more than one year, or both. Nothing in this section shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States.]

Mr. HEYBURN. The Senator from Utah [Mr. SUTHERLAND] has an amendment which he proposes to offer to that section.

Mr. SUTHERLAND. I propose the amendment to that section, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. At the end of the section, it is proposed to insert the following:

And nothing in this section shall interfere with or take away any right or privilege recognized or conferred by existing law of the United States to cut or remove timber from any public land.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Utah.

The amendment was agreed to.

The Secretary read the next section, as follows:

SEC. 112. [Whoever, being elected a Member of or Delegate to Congress, or a Resident Commissioner from any Territory of the United States, shall, after his election and either before or after he has qualified, and during his continuance in office, directly or indirectly, ask, accept, receive, or agree to receive, any money, property, or other valuable consideration, or any promise, contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value to him or to any person designated by him, for his

attention to, or services, or with the intent to have his action, vote, or decision influenced, on any question, matter, cause, or proceeding, which may at any time be pending in either House of Congress or before any committee thereof, or which by law or under the Constitution may be brought before him in his official capacity, or in his place as such Member, Delegate, or Resident Commissioner, shall be fined not more than three times the amount asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place, and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.]

Mr. HEYBURN. The amendment offered to section 112—and the same amendment is also proposed to sections 113 and 114—is to strike out the words "being elected" in the first line of each section—though of course we will take them up one at a time, and we are now considering section 112—the amendment is to strike out the words "being elected" in the first line of the section.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 55, line 1, after the word "Whoever," it is proposed to strike out the words "being elected."

Mr. SUTHERLAND. Mr. President, it strikes me that both those words, "being elected," ought not to be stricken out. The section then would read "Whoever a Member of or Delegate to Congress." The amendment should be to strike out the word "elected" alone.

Mr. HEYBURN. The word "elected" is the one that should be stricken out.

The VICE-PRESIDENT. The amendment as modified will be stated.

The SECRETARY. On page 55, line 1, after the word "being," it is proposed to strike out the word "elected," so as to read: Whoever, being a Member of or Delegate to Congress—

And so forth.

The amendment was agreed to.

Mr. HEYBURN. The next amendment is in the third line, to strike out the words "after his election."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 55, line 3, after the word "shall," it is proposed to strike out the words "after his election," so as to read:

Or a Resident Commissioner from any Territory of the United States shall and either before or after he has qualified—

Mr. HEYBURN. The word "and," after the word "election," should also be stricken out.

The VICE-PRESIDENT. The amendment as modified will be stated.

The SECRETARY. On page 55, line 3, after the word "shall," it is proposed to strike out the words "after his election and."

The amendment was agreed to.

Mr. HEYBURN. Those are the only amendments to section 112. I will say to the Senator from Georgia that the amendment was to strike out in the first line the word "elected," so that it will leave the law stand as it is now.

Mr. BACON. In other words, the Senator designs that the law shall remain as it has been construed by the court.

Mr. HEYBURN. As it is now.

Mr. BACON. As it is now as construed by the court, to wit, that after one has been elected and has begun to enjoy the emoluments of office—

Mr. HEYBURN. No.

Mr. BACON. He is not responsible to this provision of law unless he has taken the oath?

Mr. HEYBURN. No; it is intended that until he becomes a Member of Congress he shall remain a private citizen; in other words, it leaves the law as it is now. "Whoever being a Member of Congress" is prohibited from doing these things.

Mr. BACON. We had that matter up the other day, though on a different section, I think, and the Senator will remember the case which arose which is familiar to Senators, of one who was a member-elect of this body and who was charged with having violated a provision of law, if it were applicable to him. He was indicted, and, as I understand, acquitted upon the ground that while he had been elected and his term had begun and he was enjoying the emoluments of office, nevertheless, not having been sworn in, he was not amenable to the law. That is the construction of the court upon the present law to which I refer. It may not have been upon this section, but upon a kindred section, in which possibly the same language is used. In other words, the word "member" was construed to mean not simply a man who had been elected and whose term had begun and who had begun to receive the emoluments of the office, in the case of a Senator, but one who had absolutely appeared at the Vice-President's desk and taken the oath of office. Does the Senator desire that this section shall be construed that way?

Mr. HEYBURN. No, Mr. President. It is sought to provide that whenever a member-elect begins to draw his pay as a

member of either House, he shall be considered to be a member of that House. We have a provision of existing law that the responsibility of the Government, and consequently of the member, begins with the term for which he is elected. Whether or not Congress is in session so as to afford him an opportunity to take the oath of office, he has impliedly assumed the obligations of the office and has impliedly assumed the duties of the office.

Mr. BACON. The Senator says we have a statute to that effect?

Mr. HEYBURN. And is being paid. That is the fact. We have a law that provides that the pay of a Senator shall begin from the time when his term of office would begin were the Senate in session. That is the law.

Mr. BACON. Mr. President, I understand that that is the Senator's view.

Mr. HEYBURN. I think the responsibility should begin then and not before, because he is not in the employ of the Government or drawing pay until that time.

Mr. BACON. Very well; but the trouble about it is, Mr. President, in the case which I have cited that the court has construed the law differently from what the Senator thinks it ought to be. The case of which I speak, though I do not think it was under this particular section, was under that section of the law which prohibits a Senator or a Member of the House of Representatives from entering into a contract with the Government, for instance, for the lease of a building. That was a case where a Senator-elect to this body after his term began, to wit, after the 3d of March, and during the time when he was drawing a salary as a Senator, did enter into a contract—there were some other alleged features, I do not know whether correctly alleged or not—for the rent of a post-office to the Government. The language of that section of law is the same as that in this section, to wit, "a member," if I recollect aright; and the court held that he was not amenable to the law because, while he was in the condition and occupying the position that the Senator from Idaho thinks ought to be applicable to one under this provision of law, he had not been sworn in, the court said he was not amenable to the law. Am I correct in that?

Mr. HEYBURN. Mr. President, I inquire of the Senator from Georgia if that case is reported.

Mr. TELLER. Yes.

Mr. HEYBURN. I think it would be well—

Mr. BACON. It was certainly reported in the public press.

Mr. HEYBURN. I would prefer to have it reported as cases in court are reported.

Mr. BACON. Every Senator who was then a member of this body knows to what case I refer.

Mr. HEYBURN. The Senator from Georgia was a member of the committee that investigated that matter.

Mr. TELLER. If I may interrupt—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. Yes.

Mr. TELLER. The case which is referred to is the case of a former member of this body. There was another case in which a Member of the House was concerned where the court held just the reverse of the holding in the case to which the Senator from Georgia refers. The court held that, although he had not been sworn in, he was liable under the law, and he paid a large fine to get out of it. So I suggest to the Senator that he better make that explicit and put in words that will determine the matter, so that a Senator or Member-elect will know when he is to come under the provisions of the act.

Mr. HEYBURN. I have no objections at all to having the section made to conform to the law as the court has interpreted it, if it does not. Of course the presumption is that the law and the decisions are in harmony, because the court was interpreting a section—

Mr. TELLER. You have two interpretations, one one way and the other the other. It was not a decision of the Supreme Court, but of a subordinate Federal court, in both cases.

Mr. HEYBURN. Yes.

Mr. TELLER. I think we should put in the act "from the time of his election," or something of that kind, to make it specific.

Mr. HEYBURN. I do not intend to contend for this amendment, because, as a member of the committee which reported the section in the form in which it is now before us, I only reserved the right to call the attention of Congress to the fact that it was proposed to widen the scope of the statute.

Mr. BACON. Will the Senator pardon me for a moment?

Mr. HEYBURN. Certainly.

Mr. BACON. When we were going over this bill on a former

occasion we had under consideration section 115, which is the particular section to which I had reference when I illustrated my contention by the case of a member-elect of this body. The Senator will remember the debate we had upon it, and the Senator himself, I think, contended that while he was unwilling that the responsibility should begin at the time of election and prior to the time of the beginning of service, he did insist that it should begin at the time of the service, and I recollect my responding to him that the same reason which would debar one who was a member-elect and whose term had begun would perhaps in a less degree debar one who was a member-elect and whose term had not begun.

I made the suggestion in that connection that one reason why the law prohibited a member from practicing before the Departments, for instance, was that he was presumed to have more influence than one who was not an official, especially a Member of Congress who had the control of the Departments. I have forgotten what was the final determination in regard to the matter. But section 115—

Mr. HEYBURN. Section 116 is the one regulating contracts.

Mr. BACON. Section 116 it is. Section 115 is a different thing.

Mr. HEYBURN. Section 115 regulates the practice.

Mr. BACON. That reads this way:

* SEC. 116. [Whoever, being elected a Member of or Delegate to Congress, or a Resident Commissioner from any Territory of the United States, shall, after his election and either before or after he has qualified, and during his continuance in office—

Those are the words which we adopted as to section 116. It seems to me that exactly the same reasoning would require us to use the same language in section 112, because it relates to the same class of matter.

Mr. HEYBURN. If it becomes evident that the Senate does not care to insist upon the restoration of the language of existing law, I will withdraw my amendment, because I made it only that it might be called to the attention of the Senate that we were enlarging existing law so to include the period between election and the succeeding 4th of March, and I did not desire that this section should be passed without the attention of the Senate being directed to that.

Mr. BACON. Section 112 contains the same language as that which I have read from section 116.

Mr. HEYBURN. Yes.

Mr. BACON. The Senator from Idaho proposed to amend it so as to eliminate the amendment and restore that section in the language of the present law, and that is the point to which I objected. I think the language as expressed in the present section as amended is preferable. Aside from all other considerations, I think we owe it, as expressed by the Senator from Colorado, to those who will be responsible to the law to have it made so definite and certain that there will not be the uncertainty which grows out of the conflicting decisions on that subject.

Mr. HEYBURN. It appearing that no Senator desires to suggest any change in the section as reported, I withdraw the amendment.

Mr. TELLER. What is the amendment?

Mr. HEYBURN. The amendment was simply to eliminate the word "elected," so that it would not cover the period between election and the time when the duties of the office are assumed, on the 4th of March.

Mr. TELLER. The words in line 4, "either before or after he has qualified," it seems to me make it definite. I think that is sufficient. Is this the section in which the junior Senator from Idaho [Mr. BORAH] wanted to insert the word "court" somewhere?

Mr. HEYBURN. That is in another section—section 115. Mr. President, then I withdraw the amendment.

Mr. BACON. Mr. President, I wish to suggest another matter to the Senator from Idaho. It has been called to my attention by the Senator from Maryland, and I think it worthy of consideration.

The Senator will remember that the discussion which we had upon this language arose upon the section which related to appearing before the Departments for a compensation, and the question then arose, and was suggested by the Senator from Idaho himself, as to whether or not it was competent for Congress to pass a law which should affect a citizen who, while he had been elected, was still a private citizen until the beginning of his term of office. My reply to that was that it was competent for the Government to prescribe the terms upon which anyone could appear before a Department or under which certain classes of people could be debarred from practicing before the Departments.

But the suggestion in reference to this section is a very pertinent one. It has been suggested to me by the Senator from

Maryland and is this: This relates not to the matter of appearing before one of the Departments of the Government, but to the conduct of the citizen himself before his term of office begins, and it is a matter certainly worthy of consideration whether that is in this particular section the proper language, and whether it ought not in this section, while correct in the other section, because it related to the regulations of appearing before the Department, to be limited to acts done after the beginning of his term, because the fact that he is a private citizen relates to his outside acts, and it is gravely to be doubted whether the Government could impose a penalty on him for an individual act performed before he becomes a Member.

Mr. HEYBURN. I think section 112 pertains really to lobbying, and I am in thorough accord with the criticism of the Senator from Georgia, because the acts there are not—

Mr. BACON. The section, in order to express my view of it, would have to make him amenable to the law in case after his term of office began he transgressed any of these prohibitions. If the Senator will frame an amendment to cover that view, it seems to me it would be the proper course to pursue.

Mr. SUTHERLAND. I understand the Senator from Georgia is referring to section 112.

Mr. BACON. Yes, sir, 112.

Mr. SUTHERLAND. It occurs to me that that section ought to remain as it is. It provides:

SEC. 112. [Whoever, being elected a Member of or Delegate to Congress, or a Resident Commissioner from any Territory of the United States, shall, after his election and either before or after he has qualified, and during his continuance in office, directly or indirectly, ask, accept, receive, or agree to receive, any money, property, or other valuable consideration—

For what?

For his attention to, or services, or with intent to have his action, vote, or decision influenced, on any question, matter, cause, or proceeding, which may at any time be pending in either House of Congress or before any committee thereof.]

So what he is forbidden to do is to receive money prior to the time he has qualified, to do something after he has qualified. Certainly it would be just as great an offense to receive money before his qualification, to affect his vote afterwards, as to receive the money after he had qualified.

Mr. BACON. I think the Senator is correct.

Mr. HEYBURN. I withdraw my amendment.

Mr. BACON. I had not at the time I made the suggestion had the opportunity to read the section clear through, and the considerations for the services had not been suggested to my mind as they are now suggested by the words of the Senator from Utah. I think he is correct in his view of the matter. While it would relate to an independent act outside, it is entirely a pertinent prohibition, for it relates to what he himself shall afterwards do.

Mr. SUTHERLAND. Yes.

Mr. BACON. I think the Senator is correct.

The VICE-PRESIDENT. Does the Senator from Idaho withdraw his amendments in lines 1 and 3?

Mr. HEYBURN. I withdraw all amendments to the section.

The VICE-PRESIDENT. All amendments to section 112?

Mr. HEYBURN. Yes.

The VICE-PRESIDENT. The Secretary will read the next passed-over section.

Mr. HEYBURN. Section 113, which is the next passed-over section, has been read, and there is no objection to having it considered and disposed of under the same rule as prevailed with respect to the last section. The same is true of section 114. It has been read. I withdraw any suggestion of amendment, and it may go under the same rule as section 112.

The VICE-PRESIDENT. The next passed-over amendment will be stated.

The SECRETARY. The next passed-over amendment is one submitted by the Senator from Idaho [Mr. BORAH], on page 57, section 115, line 24, before the word "Department" to insert:

Court in any civil cause or before any—

So that, if amended, it will read:

Is a party or directly or indirectly interested, before any court in any civil cause or before any Department, court-martial, bureau, officer, or any civil, military, or naval commission.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. BORAH]. The amendment was rejected.

The VICE-PRESIDENT. The next passed-over section will be read.

The Secretary proceeded to read section 185.

Mr. HEYBURN. This section has been read several times.

Mr. BACON. I do not understand whether any amendment is suggested.

Mr. HEYBURN. There is no amendment pending.

Mr. BACON. Mr. President, I have very pronounced views upon this question, as I have frequently indicated, but my objections I have stated so fully that I do not believe I would be justified in repeating them.

Mr. SUTHERLAND. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SUTHERLAND. As I recall, the amendment which the Senator from Georgia desired to this section was adopted, and some Senator entered the Chamber and requested that the section be passed over. I do not remember just now why it was passed over. At any rate the amendment desired by the Senator from Georgia was adopted.

Mr. BACON. I am content if that is the case. I understood the Senator from Idaho to the contrary.

Mr. HEYBURN. I said there was no amendment pending.

Mr. BACON. Ah!

The VICE-PRESIDENT. The next passed-over section will be stated.

The Secretary read as follows:

CHAPTER TEN.

THE SLAVE TRADE AND PEONAGE.

SEC. 242. Whoever, being of the crew or ship's company of any foreign vessel engaged in the slave trade, or being of the crew or ship's company of any vessel owned wholly or in part, or navigated for or in behalf of any citizen of the United States, forcibly confines or detains on board such vessel any person as a slave, or, on board such vessel, offers or attempts to sell as a slave any such person, or on the high seas, or anywhere on tide water, transfers or delivers to any other vessel any such person with intent to make such person a slave, or lands or delivers on shore from on board such vessel any person with intent to make sale of, or having previously sold such person as a slave, is a pirate, and shall be imprisoned for life.

Mr. BACON. Mr. President, I should like the Senator to say why it is necessary to mention the United States, and I will state the reason for my inquiry. The purpose of this entire chapter I approve, and I desire that the language of the law shall be such as to make that purpose absolutely effective. Now, the general provisions of the law which make everyone engaged in the slave trade a pirate affects all those who are engaged in the business, regardless of their nationality, and affects every ship engaged in the business, regardless of the nationality.

The jurisdiction of the United States under this law is not limited to the case of a citizen who violates it, but extends to all the peoples of all the earth or anyone of them who may violate it, and the provisions of this law, so far as the ships are concerned—the general law, I speak of—are not limited to the ships which fly the American flag, but extend to any ship that may be engaged in the slave traffic, regardless of the flag it flies or whether it flies any flag. In each case the man who is engaged in the business is a pirate under the law, liable and subject to be dealt with as a pirate, regardless of the country from which he comes or to which he may owe allegiance, and every ship engaged in it is taken and denominated a pirate ship, regardless of the country from which it comes.

Now, why should this chapter in any particular refer to the United States? If it be true that it is necessary to designate the United States in order to make the law effective, then the answer to my question is complete and ready. But if it be true that every one engaged in the business is denominated a pirate and subject to punishment as a pirate, regardless of his nationality, and if it be true that every ship engaged in the business is a pirate ship, regardless of the flag it carries, or the absence of a flag, why should there be a designation of any country in regard to slavery or the slave trade?

Now, I ask that for information from the learned Senator, and would be glad to have him explain why there is any necessity for it.

Mr. HEYBURN. If the Senator from Georgia should move to strike out the words "United States," I would, so far as I may, accept the amendment. A little embarrassment might arise because of the change that is made in the character of the punishment. We could put to death a party who was guilty of piracy and dispose of him without regard to his nationality, but whether we could imprison him in our prison for life is another question and might make some embarrassment.

Mr. BACON. I do not think so.

Mr. HEYBURN. But if it would not, and the Senator from Georgia should move to strike out "United States," there would be no opposition, I think, to its being done.

Mr. BACON. A pirate is an offender against the law of every nation, and is subject to the jurisdiction of every nation wherever he may be found, and is subject to the penalty which that nation may impose upon him in the same way that the violator

of a law within the jurisdiction is subject to whatever penalty the State may elect to impose upon him. So I have no doubt about the fact that, while the ordinary punishment of a pirate is death, the same authority which could impose the death penalty would have authority to impose any minor penalty.

Mr. HEYBURN. I think so. I merely suggested that difficulty.

Mr. BACON. I would not have any possible hesitation in that opinion.

What I would suggest to the Senator is this, and it may shorten his labors. We had a very interesting discussion upon this chapter when it was formerly before the Senate, and there were suggestions made which the Senator himself showed the impolicy and impropriety of adopting. But the general ground upon which my objection was finally rested was the one I have indicated, and that is that since the slave trade is under the ban and condemnation of the law of every civilized nation, and since the law of our country makes everyone engaged in it a pirate, and every ship engaged in it a pirate ship, it is not necessary that there should be any language in this chapter—not only this section, but the cognate sections—which would indicate that there was particular reason for the enactment of a law against slavery and the slave trade in connection with the United States which does not exist as to other nations.

The Senator from Idaho has, very much to my gratification, indicated a concurrence in that view. I do not think there is any other features of this chapter—that is, so far as it relates to the slave and the slave trade—which needs amendment or which has met with any objection. It may require some little time to eliminate these objectionable features of the chapter and to adapt the changes to the remainder of the chapter. I would suggest to the Senators in charge of the bill that if they would take that chapter and go through it and eliminate all allusions to the United States and adapt the remaining language, it will be unnecessary to consume any further time in the consideration of the sections.

Mr. SUTHERLAND. I want to call the attention of the Senator from Georgia to one phase of this matter. The Senator will observe that the original section, 5375 of the Revised Statutes—

Mr. BACON. The Senator will pardon me a moment until I can get the other copy of the bill. The clerk is reading from the bill, and he gives us the paging from the bill, and consequently it is necessary to follow that. But that has not the original section indicated, and I will have to turn to the copy the Senator refers to. Will the Senator give me the page?

Mr. SUTHERLAND. Section 242 is the section we are now considering.

Mr. BACON. Yes.

Mr. SUTHERLAND. And opposite that the Senator will find the original section.

Mr. BACON. I understand.

Mr. SUTHERLAND. Being section 5375 of the Revised Statutes.

Mr. BACON. Yes.

Mr. SUTHERLAND. Let me read just a part of that section:

Every person who, being of the crew or ship's company of any foreign vessel engaged in the slave trade—

Let us stop there for just a moment—who does any of the things that are provided for by the statute, is a pirate. The section proceeds:

Or being of the crew or ship's company of any vessel owned wholly or in part, or navigated for or in behalf of any citizen—

Does any of these things, is a pirate. So the original law makes this distinction. The only thing the committee has done is to make clear what is meant by the word "citizen," by saying "citizen of the United States." The original law includes the word "citizen."

It occurs to me that perhaps the explanation of it may be this: I state it with some hesitation, because I am not entirely certain about it myself. Any person a member of a crew or ship's company, which vessel is engaged in the slave trade, is a pirate under the law of nations.

Mr. BACON. And under this statute.

Mr. SUTHERLAND. Yes; and under the statute, but he is a pirate independently of any provision of the statute. He is a pirate under the law of nations. We need not have characterized him; he would have been a pirate. The section proceeds and says that:

Or being of the crew or ship's company of any vessel owned wholly or in part, or navigated for or in behalf of any citizen—

Does these things, is also a pirate. That particular person might not be a pirate by the law of nations.

Mr. BACON. But we are not dealing with the law of nations. We are dealing with the statute.

Mr. SUTHERLAND. I understand.

Mr. BACON. And if he was not under the law of nations, he would be under this statute.

All I want to suggest to the Senator, if he will pardon me, is this: The law from which the Senator has read was enacted in 1820, at a time when there were slave traffic and slave trade and when there was a necessity not only to deal with those who were engaged in the slave trade under a foreign flag, but to deal especially in the case of those who were engaged under our own flag, for the reason that there was great temptation for those who had business connections in this country to engage in the trade. But if you will strike out the word "foreign," so that it will read "any vessel," it will include not only foreign vessels, but domestic vessels, and the purpose I have is to make the law general, just as I have no doubt the law of England is general, or the law of any other civilized country which has endeavored to suppress the slave trade.

I can see no possible reason why, when the general language will cover all domestic vessels and all of our own citizens who violate the law in the same way that it does foreign vessels or foreign people, we should keep up the distinction and make an enumeration of each class.

Mr. SUTHERLAND. I am inclined to think the Senator is correct about it.

Mr. BACON. I think it very probable the Senators will find it necessary to go carefully through the various sections of this chapter so as to eliminate all reference to the United States and adopt the remaining language so that it may be harmonious.

Mr. HEYBURN. I will say to the Senator from Georgia that while the discussion has proceeded I have gone through this chapter, and I find that the changes are very few. For instance, in this chapter the Senator's proposition, as I understand it, is to strike out the word "foreign," in line 2, and to strike out the words "of the United States," in line 5 of the section. That would leave the section stand as it is suggested by the Senator it should read, and it is entirely acceptable to the committee that that change should be made, and it might as well be made now and disposed of.

Mr. BACON. All right. Let us take each section as we come to it.

Mr. HEYBURN. Let the amendment be stated.

The SECRETARY. On page 131, line 4, before the word "vessel," strike out the word "foreign," and in line 7 strike out the words "of the United States."

The amendments were agreed to.

Mr. HEYBURN. Now, I would suggest—

Mr. BACON. That is not sufficient. There are so many different prints of the bill it is almost impossible to follow the suggestion, even from the Clerk's desk or from the Senator from Idaho. For instance, the print which I have has the word "foreign" in the fourth line. I understood the Senator to say that in the print he has it is in the second line.

Mr. HEYBURN. The words stricken out are in the second and the fifth lines of the section. The print of the section is the same. It is printed in the same type always.

Mr. BACON. There is no print I have which corresponds to that. It is a great misfortune which has pursued us throughout the entire consideration of the bill that we have so many prints of the bill.

Mr. HEYBURN. That is the reprint.

Mr. SUTHERLAND. If the Senator from Idaho will permit me, I think, in order to meet the suggestion of the Senator from Georgia, it would be necessary to strike out the word "foreign," in line 4, and also beginning with the word "or," in line 4, strike out the words "or being of the crew or ship's company of any vessel owned wholly or in part, or navigated for or in behalf of, any citizen of the United States."

Mr. BACON. That is the very suggestion I wished to make.

Mr. SUTHERLAND. Strike out all that clause, so as to make the section read:

Whoever, being of the crew or ship's company of any vessel engaged in the slave trade, forcibly confines, etc.

That would cover it.

Mr. BACON. That is right. That amendment ought to be made.

Mr. HEYBURN. That amendment will be accepted, to strike out, commencing with the word "or," in the second line, and including the words "United States," in the fifth line.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment, which will be stated.

The SECRETARY. On page 131, line 4, after the words "slave trade," strike out the words "or being of the crew or ship's company of any vessel owned wholly or in part, or navigated for or in behalf of, any citizen of the United States."

The amendment was agreed to.

Mr. BACON. Now, the same amendment exactly should be made in the next section.

Mr. HEYBURN. Two hundred and forty-three is the next section. Let the word "foreign," in the second line of the section, be stricken out.

Mr. BACON. On the fourth line of the page.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 132, line 4, before the word "vessel," strike out the word "foreign," and in the same line, after the words "slave trade," strike out down to and including the words "United States," in line 7, in the following words:

Or being of the crew or ship's company of any vessel, owned in whole or in part, or navigated for, or in behalf of, any citizen of the United States.

So as to make the section read:

SEC. 243. Whoever, being of the crew or ship's company of any vessel engaged in the slave trade, lands from such vessel, and, on any foreign shore, seizes any person with intent to make such person a slave, or decoys, or forcibly brings, or carries or receives such person on board such vessel, with like intent, is a pirate and shall be imprisoned for life.

The amendment was agreed to.

Mr. HEYBURN. Section 244 does not contain those provisions and is probably not objected to. It might as well be read and then it will be before us.

The VICE-PRESIDENT. The Secretary will read the section.

The Secretary read as follows:

SEC. 244. Whoever brings within the jurisdiction of the United States in any manner whatsoever any person from any foreign kingdom or country, or from sea, or holds, sells, or otherwise disposes of, any person so brought in, as a slave, or to be held to service or labor, shall be fined not more than \$10,000, one-half to the use of the United States and the other half to the use of the party who prosecutes the indictment to effect; and, moreover, shall be imprisoned not more than seven years.

Mr. HEYBURN. That is an ordinary prohibition against slavery.

The Secretary read as follows:

SEC. 245. Whoever builds, fits out, equips, loads or otherwise prepares, or sends away, either as master, factor, or owner, any vessel, in any port or place within the jurisdiction of the United States, or causes such vessel to sail from any port or place whatsoever, within such jurisdiction, for the purpose of procuring any person from any foreign kingdom or country to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of as a slave, or held to service or labor, shall be fined not more than \$5,000, one-half to the use of the United States and the other half to the use of the person prosecuting the indictment to effect; and shall, moreover, be imprisoned not more than seven years.

SEC. 246. Whoever, being a citizen or other person resident within the jurisdiction of the United States, takes on board, receives, or transports from any foreign kingdom or country, or from sea, any person in any vessel, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or to be held to service or labor, shall be punished as prescribed in the section last preceding.

Mr. BACON. I think possibly section 246 would be improved by striking out the words "being a citizen." It would make it applicable to any person within the jurisdiction of the United States. It would certainly be a violation of the spirit of the law if done by any person, and I see no reason why there should be any alternative about it. I suggest to strike out the words "being a citizen or other person."

Mr. SUTHERLAND. So as to read, "Whoever, being a resident?"

Mr. BACON. I do not know but that I would strike out the word "resident." Let it read "Whoever, within the jurisdiction of the United States."

Mr. HEYBURN. That is right.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 133, lines 9 and 10, strike out the words "being a citizen or other person resident," so as to read:

Whoever, within the jurisdiction of the United States, takes on board, etc.

The amendment was agreed to.

The Secretary read the next section, as follows:

SEC. 247. Whoever, being the captain, master, or commander of any American vessel found in any river, port, bay, harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coast thereof, having on board any person, for the purpose of selling such person as a slave, or with intent to land such person for any such purpose shall be fined not more than \$10,000, and imprisoned not more than four years.

Mr. BACON. There ought to be some change in the language of this section. I wish to say that if it were not for the fact that there are some countries now within the jurisdiction of the United States where there is at least a partial, sporadic attempt occasionally, I presume, to subject individuals to slavery, I should desire to have the entire section eliminated, because I am unwilling to leave upon the statute books anything which would suggest that there is in the contemplation of any part

of the people of the United States the restoration of the institution of slavery or any connivance at the effort to sell any person into slavery.

I am glad of the opportunity, in passing upon this section, to put upon record the statement that it is purposed to leave this section as it shall probably be amended simply for the purpose of reaching territory altogether outside of what is known as the "proper limits" of the United States. With that statement I think the language ought to be eliminated which limits it to an American vessel. With an amendment to that effect, I should myself make no further opposition to the section.

Mr. HEYBURN. I would suggest further to the Senator from Georgia that the words "jurisdictional limits of" should be stricken out and the word "jurisdiction" substituted as being applicable to the territorial condition.

Mr. BACON. Yes.

Mr. HEYBURN. Both those amendments will be accepted.

Mr. BACON. Will the Senator please indicate the exact words he desires to strike out?

Mr. HEYBURN. In the second line of the section strike out the word "American."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 133, line 17, before the word "vessel," strike out the word "American."

The amendment was agreed to.

Mr. HEYBURN. In the third line of the section I move to strike out the words "jurisdictional limits" and insert in lieu thereof the word "jurisdiction."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 18 strike out the words "jurisdictional limits" and insert in lieu thereof the word "jurisdiction," so that if amended it will read, "within the jurisdiction of the United States."

The amendment was agreed to.

Mr. HEYBURN. It will be necessary to strike out the words "or hovering on the coast thereof," because the word "jurisdiction" is broad enough to cover that.

Mr. BACON. I am not sure about that. I may be wrong; but the jurisdiction of the United States, except so far as we extend it to cover a pirate, is limited to 3 miles off the coast, and this hovering might be outside of that jurisdictional limit, and at the same time it could be brought within the jurisdiction of a statute of this kind by express enactment. Therefore I am inclined to think that the words "or hovering on the coast thereof" had better remain. I may be in error, but that is the way it strikes me.

Mr. HEYBURN. We regarded the words as superfluous. If the 3-mile limit would be sufficient scope in which to capture this class of vessels, then it would not be necessary to insert the words; but if the Senator from Georgia thinks it might be necessary to protect more than 3 miles from the coast, then the words should remain in the section.

The VICE-PRESIDENT. Does the Senator from Idaho withdraw the amendment?

Mr. HEYBURN. I withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn. The Secretary will resume the reading.

The Secretary read the next section, as follows:

SEC. 248. Whoever, being a citizen of the United States, or other person residing therein, voluntarily serves on board of any American vessel employed or made use of in the transportation of slaves from any foreign country or place to another, shall be fined not more than \$2,000 and imprisoned not more than two years.

Mr. BACON. We have an existing law and also a provision in the pending bill which makes every person found upon a slaver a pirate, and I do not see why this section should be allowed to remain. It is limited to the case of a citizen of the United States, whereas under the previous section, 243, such person is denominated as a pirate, and it says he shall be imprisoned for life. I see no difference between the offense committed in either case except that here it is limited to a citizen of the United States and the penalty is made less. It seems to me that the section is entirely superfluous and that it may do harm.

Mr. HEYBURN. There is a different character of action expressed in section 243 from that which is expressed in section 248.

Mr. BACON. The Senator is correct.

Mr. HEYBURN. It is a different character of offense. Section 248 is intended to punish American citizens for engaging in this trade upon American vessels. Section 243 applies to the vessels of all nations and to citizens of all nations.

Mr. BACON. Why should it be limited to the case of American vessels?

Mr. HEYBURN. That law was passed on the 10th of May, 1800, and it was passed at a time when conditions, of course, were different from what they are now; but it seems to me it is very appropriate to have on the statute books a law prohibiting American citizens from engaging in so nefarious a business on American ships.

Mr. BACON. Or any other ship.

Mr. HEYBURN. That is true; but still we may always appropriately legislate with reference to those things that belong distinctly to our own country and carry our own flag. An American ship carries an American flag.

Mr. BACON. I call the attention of the Senator to a fact which illustrates the thought that was in my mind. The succeeding section broadens it so as to make it apply to a citizen of the United States serving on any foreign vessel and gives it the same penalty. So it appears to me it would be entirely sufficient to amend section 248 so as to strike out the word "American," and then strike out section 249 altogether, because it has exactly the same penalty and relates to the same person. One is limited to the case of service upon an American vessel, and the other is limited to the case of service upon any foreign vessel. If we simply make it read "any vessel," it will cover both foreign and domestic. And I can see no reason whatever for both sections remaining if the word "American" is stricken out of section 248.

Mr. HEYBURN. The two sections were enacted at the same time, being a part of the same act. What the purpose of Congress was in dividing the offense I do not know, but the committee were inclined to leave the existing law as they found it. It may be that in the interest of form we might consolidate them.

Mr. BACON. If you strike out the word "American," you do consolidate them. Then section 248 will include all that is now in the section and also that which is in section 249.

Mr. HEYBURN. One applies to American vessels and the other to foreign vessels.

Mr. BACON. Yes; but in each case it applies to the American citizen. In the former case the American citizen who does a certain act upon an American vessel is punished in a certain way. In the second case the American citizen who does the same act upon a foreign vessel is punished in the same way. Consequently, if you strike out the word "American" from section 248 you have what is included now in both sections.

Mr. HEYBURN. I should not object at all to consolidating the two sections, and it can readily be done, as suggested by the Senator from Georgia, by striking out the word "American" in section 248. I move that amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 134, line 1, before the word "vessel," strike out "American."

The amendment was agreed to.

The SECRETARY. Strike out all of section 249, as follows:

SEC. 249. Whoever, being a citizen of the United States, voluntarily serves on board of any foreign vessel employed in the slave trade, shall be punished as prescribed in the section last preceding.

The amendment was agreed to.

The Secretary read the next section passed over, as follows:

SEC. 250. Whoever, being the master or owner or person having charge of any vessel, receives on board any other person, with the knowledge or intent that such person is to be carried from any State, Territory, or District of the United States to a foreign country, state, or place, to be held or sold as a slave, or carries away from any State, Territory, or District of the United States any such person, with the intent that he may be so held or sold as a slave, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Mr. BACON. That section, I think, needs material amendment. I repeat in regard to it substantially what I said in regard to the former section, that were it not that we have some remote countries now within the jurisdiction of the laws of the United States I should favor the striking of it out altogether. The section, of course, as found now in the present law, was enacted at a time when conditions were entirely different from what they are now. There is no possibility that from any State or Territory or District of the United States there should be an attempt to put anyone into slavery or that one should be carried from such place to any other State, Territory, or District for the purpose of placing that person in a condition of slavery.

There was at the time it was enacted, of course, dangers of that kind, which it was the intention to guard against; but those times have entirely, absolutely, utterly passed; there is no possibility that they can ever be restored. State, Territory, or District are technical terms in our classification of political divisions, and so far as it relates to a State of the Union, or to a Territory of the United States, which means now only Arizona and New Mexico, or District, which means the District of Columbia, it is an utter, absolute impossibility.

But there is a country within the control of the United States Government where such a thing is still a possibility, and I think the language of the section ought to be so amended as to limit it in its application to that particular country, or we should use such general language, if you please, as will not specify a State or a Territory or a District. You may simply use the word "place," if you wish, which would cover everything.

I am unwilling, Mr. President, that there should remain language here which was used properly to meet conditions at the time of the enactment, which would now have no signification and no application to present conditions.

Mr. SUTHERLAND. Mr. President—

Mr. BACON. The Senator will permit me to make a suggestion. If the words "any State, Territory, or District of the United States" were stricken out and the word "place" substituted therefor, it would cover everything and at the same time we would not have a classification which might mislead as to our intention.

Mr. SUTHERLAND. I had in mind to suggest this amendment. On the fourth line strike out the words "State, Territory, or District" and insert in lieu thereof "place subject to the jurisdiction," so as to read:

That such person is to be carried from any place subject to the jurisdiction of the United States, etc.

Then in line 6 of the section strike out the words "State, Territory, or District" and insert the same language "place subject to the jurisdiction," so as to read:

To be held or sold as a slave, or carries away from any place subject to the jurisdiction of the United States any such person.

Mr. BACON. Will the Senator, if he has interlined the amendment which he proposes, read the entire section as it will then be amended?

Mr. SUTHERLAND. The section would then read:

Whoever, being the master or owner or person having charge of any vessel, receives on board any other person, with the knowledge or intent that such person is to be carried from any place subject to the jurisdiction of the United States to a foreign country, state, or place, to be held or sold as a slave—

Mr. BACON. I would suggest to the Senator that he say "any other place" instead of "foreign country, state, or place." That would make it more comprehensive.

Mr. SUTHERLAND. Then I move to strike out the words "a foreign country, state, or place" and insert "any other," so as to read:

To any other place, to be held or sold as a slave, or carries away from any place subject to the jurisdiction of the United States any such person, with the intent that he may be so held or sold as a slave, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Mr. BACON. That will cover it.

Mr. SUTHERLAND. I move that amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 134, line 12, strike out the words "State, Territory, or District" and insert in lieu thereof the words "place subject to the jurisdiction;" in line 13 strike out the words "a foreign country, state, or," and in lieu thereof insert "any other," and, in lines 14 and 15, strike out the words "State, Territory, or District" and insert in lieu thereof the words "place subject to the jurisdiction;" so that if amended it will read:

Whoever, being the master or owner or person having charge of any vessel, receives on board any other person, with the knowledge or intent that such person is to be carried from any place subject to the jurisdiction of the United States to any other place, to be held or sold as a slave, or carries away from any place subject to the jurisdiction of the United States any such person, with the intent that he may be so held or sold as a slave, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

The amendment was agreed to.

The VICE-PRESIDENT. The Secretary will read the next section passed over.

The Secretary read as follows:

SEC. 251. No person shall, for himself or for another, as master, factor, or owner, build, fit, equip, load, or otherwise prepare any vessel in any port or place within the jurisdiction of the United States, or cause any vessel to sail from any port or place within the jurisdiction of the United States for the purpose of procuring any person from any foreign kingdom, place, or country to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of as a slave, or to be held to service or labor; and every vessel so built, fitted out, equipped, laden, or otherwise prepared, with her tackle, apparel, furniture, and lading, shall be forfeited; one moiety to the use of the United States and the other to the use of the person who sues for the forfeiture and prosecutes the same to effect.

Mr. HEYBURN. Mr. President, there have been eleven cases decided by the United States court under section 251 since 1860. That section seems to be a very necessary provision of the law, and I suggest that it stand without amendment.

Mr. BACON. I have no suggestion to make in the way of amendment at all.

The Secretary read the next section, as follows:

SEC. 252. Whoever so builds, fits out, equips, loads, or otherwise prepares or sends away any vessel, knowing or intending that the same shall be employed in such trade or business, contrary to the provisions of the section last preceding, or in any way aids or abets therein, shall, besides the forfeiture of the vessel, pay the sum of \$2,000; one moiety thereof to the use of the United States and the other moiety thereof to the use of the person who sues for and prosecutes the same to effect.

Mr. HEYBURN. I suggest, also, Mr. President, that there have been comparatively recent cases under that section, and it is necessary.

The Secretary resumed the reading, as follows:

SEC. 253. Every vessel employed in carrying on the slave trade or on which is received or transported any person from any foreign kingdom or country, or from sea, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or of holding such person to service or labor, shall, together with her tackle, apparel, furniture, and the goods and effects which may be found on board, or which may have been imported thereon in the same voyage, be forfeited; one moiety to the use of the United States and the other to the use of the person who sues for and prosecutes the forfeiture to effect.

SEC. 254. Whoever, being a citizen of the United States, takes on board, receives, or transports any person for the purpose of selling such person as a slave shall, in addition to the forfeiture of the vessel, pay for each person so received on board or transported the sum of \$200, to be recovered in any court of the United States; the one moiety thereof to the use of the United States and the other moiety to the use of the person who sues for and prosecutes the same to effect.

SEC. 255. Every vessel which is found in any river, port, bay, or harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coasts thereof, and having on board any person, with intent to sell such person as a slave, or with intent to land the same for that purpose, either in the United States or elsewhere, shall, together with her tackle, apparel, furniture, and the goods or effects on board of her, be forfeited to the United States.

Mr. HEYBURN. Mr. President, I move to strike out the words "jurisdictional limits," in the second and third lines of the section, and to insert in lieu thereof the word "jurisdiction."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 136, lines 13 and 14, it is proposed to strike out the words "jurisdictional limits" and to insert in lieu thereof the word "jurisdiction."

The amendment was agreed to.

The Secretary read the next section, as follows:

SEC. 256. It shall be unlawful for any citizen of the United States, or other person residing therein, directly or indirectly to hold or have any right or property in any vessel employed or made use of in the transportation or carrying of slaves from one foreign country or place to another, and any such right or property shall be forfeited, and may be libeled and condemned for the use of the person suing for the same. Whoever shall violate the prohibition of this section shall also forfeit and pay a sum of money equal to double the value of his right or property in such vessel; and shall also forfeit a sum of money equal to double the value of the interest he had in the slaves which at any time may be transported or carried in such vessels.

Mr. HEYBURN. Mr. President, in line 2 of the section, after the word "therein," I move to insert the words "or under the jurisdiction thereof."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 136, line 21, after the word "therein," it is proposed to insert the words "or under the jurisdiction thereof," so as to read:

SEC. 256. It shall be unlawful for any citizen of the United States, or other person residing therein, or under the jurisdiction thereof, directly or indirectly to hold or have any right or property in any vessel, etc.

The amendment was agreed to.

The Secretary read the next section, as follows:

SEC. 257. The President is authorized, when he deems it expedient, to man and employ any of the armed vessels of the United States to cruise wherever he may judge attempts are making to carry on the slave trade, by citizens or residents of the United States, in contravention of laws prohibitory of the same; and, in such case, he shall instruct the commanders of such armed vessels to seize, take, and bring into any port of the United States, to be proceeded against according to law, all American vessels, wheresoever found, which may have on board, or which may be intended for the purpose of taking on board, or of transporting, or may have transported any person, in violation of the provisions of any act of Congress prohibiting the traffic in slaves.

Mr. HEYBURN. Mr. President, this section merely provides for the execution of the preceding sections giving power to the President.

Mr. BACON. I suggest to the Senator that that section might profitably be broadened so as to include all persons and all vessels, regardless of whether they are citizens of the United States or whether they are American vessels. There are various provisions in the second chapter which we have already gone through that would make such a vessel a pirate. We have jurisdiction to deal with them, regardless of the nationality of the crew or of the flag of the ship. I suggest that the Senator propose to amend the section to that extent.

Why should it be limited to the case of an American vessel? The whole civilized world is in a league to suppress the slave

trade, and have united in denominating those engaged in it as pirates and all ships used in it as pirate ships. The Government of the United States is under as much obligation to suppress piracy in the one case as in the other; or, if you please to say that the obligation is greater in the case of an American vessel and an American crew, still the obligation is a general one to suppress it without regard to the nationality of the crew or without regard to the flag of the ship. I think it is very well to clothe the President of the United States with authority to fit out and send armed vessels to suppress piracy in any case, not to be limited to a case where it is an American crew and an American vessel; and, therefore, if the Senators in charge of the bill would consent to strike out the words "by citizens or residents of the United States," in lines 11 and 12, and the word "American," in line 16, everything which is provided for in this section would be accomplished, and it would still be a broadening of the section rather than a narrowing of it.

Mr. HEYBURN. Mr. President, from a humanitarian standpoint the suggestion of the Senator from Georgia would undoubtedly be right; but, if I am correctly advised, without mentioning the name of any other nationality or nation or country, it has been stated in the public press and in magazines frequently that at least one European nation does not consider the slave trade as an act of piracy, and that slaves are captured on the east coast of Africa under a tacit consent from the country under whose flag the ship sails.

It is hardly necessary, I think, or wise for us to create the President of the United States a general police officer of the world, and it might be rather dangerous for him to attempt to interfere. I think the Senator from Georgia recognizes the conditions to which I refer. It would hardly be proper for us to authorize the President of the United States to assume that the act of another nation or the people of another nation that was acquiesced in and permitted, and even licensed by that nation, was an act of piracy. I think if we would confine this to our own country it would be better.

Mr. BACON. On the statement of the Senator from Idaho, I will withdraw the suggestion I made.

Mr. SUTHERLAND. Before the Senator withdraws it I call attention to the fact that with the amendment which the Senator from Georgia proposes the case the Senator from Idaho refers to would not be affected, because the section provides—

Wherever he may judge attempts are making to carry on the slave trade . . . in contravention of the laws prohibitory of the same.

That would not reach a case where it was carried on in conformity to the customs without any law against it.

Mr. HEYBURN. I do not think we had better undertake to police the whole world.

Mr. BACON. It is possible, as suggested, that there may be at least, all other considerations being left out, a higher obligation upon us to make the prohibition apply to our own people and our own vessels than to others. I am not sure but what other civilized nations have similar enactments as to vessels carrying their own flag.

The Secretary resumed the reading, as follows:

SEC. 258. The proceeds of all vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which are so seized, prosecuted, and condemned, shall be paid into the Treasury of the United States.

SEC. 259. [The officers of the vessel making such seizure shall safely keep every person found on board of any vessel so seized, taken, or brought into port for condemnation, and shall deliver every such person to the marshal of the district into which he may be brought, if into a port of the United States, or if elsewhere, to such person as may be lawfully appointed by the President, in the manner directed by law, transmitting to the President, as soon as may be after such delivery, a descriptive list of such persons, in order that he may give directions for the disposal of them.]

SEC. 260. The commanders of such commissioned vessels shall cause to be apprehended and taken into custody every person found on board of such offending vessel so seized and taken, being of the officers or crew thereof, and him convey, as soon as conveniently may be, to the civil authority of the United States, to be proceeded against in due course of law.

SEC. 261. [The President is authorized to make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limits of the United States of all such persons as may be so delivered and brought within its jurisdiction.]

Mr. BACON. Mr. President, I should like to inquire of the Senator from Idaho what is the reference there in that section to "removal beyond the limits of the United States?"

Mr. HEYBURN. The original act, which was passed in 1819, was evidently intended to enable the President to make some authorized disposition of this class of capture. I think the language is quite explicit. The existing law on the subject reads:

SEC. 5561. The President is authorized to make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limits of the United States of all such negroes, mulattoes, or persons of color as may be delivered and brought within

their jurisdiction; and to appoint a proper person residing upon the coast of Africa as agent for receiving the negroes, mulattoes, or persons of color delivered from on board vessels seized in the prosecution of the slave trade by commanders of United States armed vessels.

Mr. BACON. What section does the Senator read?

Mr. HEYBURN. I was reading the existing law opposite section 261. That is an executive statute to carry out the provisions of the preceding section. Section 262 merely prescribes the duty of the officers on the vessel, who, of course, will be acting under the powers that they derive under section 261. Section 262 reads:

Sec. 262. It shall be the duty of the commander of any armed vessel of the United States, whenever he makes any capture under the preceding provisions, to bring the vessel and her cargo, for adjudication, into some port of the State, Territory, or District to which such vessel so captured may belong, if he can ascertain the same; if not, then into any convenient port of the United States.

That is in order that it may be investigated and held subject to the provisions of the preceding section for the disposition of that class of capture. We could see no occasion for changing that except as the change in existing conditions required the elimination of the designation of the color and the substitution of the word "persons."

Mr. BACON. I did not have any question in my mind as to what the purpose was, because I read it in connection with the existing law; but the inquiry was suggested to my mind by the fact that the revised section does not contain the description of any persons, unless it is in some section which I have not read, and simply refers to removal beyond the limits of all persons who may be so delivered—

Mr. HEYBURN. If the Senator will permit me to interrupt him, I will suggest that that change was suggested to the committee by reason of the fact that it would not be appropriate to remove all persons to the coast of Africa. Of course, under the existing law, which applies only to persons of African origin, it was appropriate enough, but inasmuch as the scope of the section is so much wider than that of the existing law because of changed conditions, it would not do to provide that all persons captured under this section should be taken to Africa.

The Secretary resumed the reading, as follows:

Sec. 262. It shall be the duty of the commander of any armed vessel of the United States, whenever he makes any capture under the preceding provisions, to bring the vessel and her cargo, for adjudication, into some port of the State, Territory, or District to which such vessel so captured may belong, if he can ascertain the same; if not, then into any convenient port of the United States.

Sec. 263. Every owner, master, or factor of any foreign vessel clearing from any port within the jurisdiction of the United States, and suspected to be intended for the slave trade, and the suspicion being declared to the officer of the customs by any citizen, on oath, and such information being to the satisfaction of the officer, shall first give bond, with sufficient sureties, to the Treasurer of the United States that none of the natives of any other foreign country or place shall be taken on board such vessel to be transported or sold as slaves in any other foreign port or place whatever within nine months thereafter.

Sec. 264. The President is authorized to issue instructions to the commanders of the armed vessels of the United States, directing them, whenever it is practicable, and under such rules and regulations as he may prescribe, to proceed directly to the country from which they were taken, and there hand over to the agent of the United States all such persons, delivered from on board vessels seized in the prosecution of the slave trade; and they shall afterward bring the captured vessels and persons engaged in prosecuting such trade to the United States for trial and adjudication.

Sec. 265. Whoever kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave; or who entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he may be made or held as a slave, or sent out of the country to be so made or held; or who in any way knowingly aids in causing any other person to be held, sold, or carried away to be held or sold as a slave, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Sec. 266. Whoever holds, arrests, returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Sec. 267. [Whoever obstructs or attempts to obstruct, or in any way interferes with or prevents the enforcement of the section last preceding, shall be liable to the penalties therein prescribed.]

Sec. 268. Whoever shall knowingly and willfully bring into the United States, or any place subject to the jurisdiction thereof, any person inveigled or forcibly kidnapped in any other country, with intent to hold such person so inveigled or kidnapped in confinement or to any involuntary servitude; or whoever shall knowingly and willfully sell, or cause to be sold, into any condition of involuntary servitude, any other person for any term whatever; or whoever shall knowingly and willfully hold to involuntary servitude any person so brought or sold, shall be fined not more than \$5,000 and imprisoned not more than five years.

Mr. McLAURIN. Mr. President, I do not intend to offer an amendment to be now considered by the Senate, but I do not think that the provisions which are contained in this section will accomplish that which I hope that an amendment which I shall offer for consideration by the committee as a separate section will accomplish.

I have in my mind a case which occurred some time ago, as reported to me in New Orleans, where a boy under 21

years of age—I do not know his exact age, but it is immaterial—was induced to take a drink, as he thought, of whisky in a saloon and which turned out to be doctored, and when he woke up he was on board a ship and was required to serve on that ship. I do not know whether that would be called slavery or being held to slavery. I do not know whether any provision of the proposed law which has thus far been agreed upon would reach a case of that kind. Therefore, I shall ask that the amendment I shall offer be referred to the committee for its consideration. I ask that it may be now read at the desk, so that if it does not accomplish the purpose—I have drawn it hastily here at my desk—some legislation may be proposed which will do so.

The VICE-PRESIDENT. Does the Senator from Mississippi propose an amendment?

Mr. McLAURIN. Yes, sir.

The VICE-PRESIDENT. The amendment proposed by the Senator from Mississippi will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

Whoever, being of the crew or ship's company of any vessel in any river, port, bay, or harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coasts thereof, shall decoy, inveigle, induce, persuade, or accept any minor without consent of his parents, or any person intoxicated or under the influence of opiate or dope, with intent to require such minor or person to perform service or labor on such vessel, shall be punished by a fine of not more than \$10,000, or imprisoned not more than ten years, or both.

Mr. McLAURIN. If the proposed amendment which has just been read can, under the rules of the Senate, be referred to the committee I should like to have it so referred, not for action now, but hereafter for consideration of the committee.

Mr. HEYBURN. I suggest to the Senator from Mississippi—the committee which has considered and reported this bill being a joint committee of the two Houses which may not be able to meet readily—that he may probably be able to get some disposition of his amendment if he will offer it in the Senate when the bill shall have been reported from the Committee of the Whole. If the Senator will let his amendment now lie on the table, if we do not report the bill to the Senate to-day, we can take up the matter when the bill is next considered.

Mr. McLAURIN. That will be satisfactory to me.

Mr. HEYBURN. Then, I suggest to the Senator that the amendment he proposes be printed and lie on the table.

Mr. McLAURIN. Very well.

Mr. CULLOM. Mr. President, I desire an executive session, and I hope the Senator from Idaho will now yield for an executive session and ask for the resumption of the consideration of the bill on to-morrow.

Mr. HEYBURN. Inasmuch as the Senator from Illinois expresses that hope, I feel justified in saying that I regret exceedingly that at this early hour, with only three sections to be considered, which can probably be disposed of in a few minutes, that an executive session should be called for.

Mr. President, it is the intention of the committee as soon as we dispose of these three sections to ask that the bill be reprinted as amended in Committee on the Whole, so that it will be ready for consideration in the Senate. We can not possibly do that until we have disposed of these sections. I do not anticipate any protracted consideration of the remaining sections. Of course, the Senator has a right to move that the Senate proceed to the consideration of executive business, but with a work of the magnitude of that before us in this case, it seems to me that we ought under the circumstances to have disposed of this bill to-day.

Mr. CULLOM. Mr. President, I would be very glad to accommodate the Senator, and I know his ambition to get through with this work, which is a great work—and he is doing a great work in taking care of it—but I think he has done about as much to-day as he will get done; and I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 19, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 18, 1908.

PENSION AGENTS.

Joab N. Patterson, of New Hampshire, to be pension agent at Concord, N. H., vice Grovenor A. Curtice, deceased, and John S. Beach, temporary appointee.

PROMOTIONS IN THE NAVY.

Lieut. Gilbert S. Galbraith to be a lieutenant-commander in the Navy from the 7th day of January, 1908, vice Lieut. Commander James G. Doyle, promoted.

I nominate the following-named chief engineers, who were confirmed by the Senate on December 11, 1906, for advancement from the grade of passed assistant engineer with the rank of lieutenant, to the grade of chief engineer with the rank of lieutenant, in accordance with the provisions of an act of Congress approved June 29, 1906, to be chief engineers with the rank of lieutenant-commander on the retired list from the date of their advancement, in accordance with an opinion of the Attorney-General, dated January 13, 1908:

Caleb E. Lee,
Alexander V. Fraser,
Charles H. Greenleaf,
Rudolph T. Bennett,
John J. Bissett,
Henry C. Blye,
James W. Holihan,
Jonathan M. Emanuel,
Charles H. Manning,
William A. H. Allen,
David M. Fulmer,
William L. Baillie,
Charles F. Nagle,
Robert D. Taylor, and
Robert Crawford.

The following-named passed assistant engineers, who were confirmed by the Senate on December 18, 1906, for advancement from the grade of assistant engineer with the rank of lieutenant (junior grade) to the grade of passed assistant engineer with the rank of lieutenant (junior grade), in accordance with the provisions of an act of Congress approved June 29, 1906, to be passed assistant engineers with the rank of lieutenant on the retired list from the date of their advancement, in accordance with an opinion of the Attorney-General, dated January 13, 1908:

Henry D. Sellman,
Alexander H. Price,
Joseph S. Greene,
Daniel A. Sawyer,
James W. Patterson,
James G. Littig,
William G. McEwan, and
William H. Platt.

POSTMASTERS.

IDAHO.

Francis Ball to be postmaster at Pocatello, Bannock County, Idaho, in place of Francis Ball. Incumbent's commission expired February 1, 1908.

ILLINOIS.

Harry K. Alexander to be postmaster at Palestine, Crawford County, Ill. Office became Presidential January 1, 1908.
Milton T. Hunt to be postmaster at Warsaw, Hancock County, Ill., in place of James F. Crawford, removed.

INDIANA.

Winfield S. Hunter to be postmaster at Jasper, Dubois County, Ind., in place of Winfield S. Hunter. Incumbent's commission expires March 30, 1908.

IOWA.

Lars E. Bladine to be postmaster at Marathon, Buena Vista County, Iowa, in place of Lars E. Bladine. Incumbent's commission expired January 14, 1908.

William W. Hawk to be postmaster at Colfax, Jasper County, Iowa, in place of Hamlin W. Robinson. Incumbent's commission expired January 4, 1908.

KANSAS.

Sheridan Crumrine to be postmaster at Longton, Elk County, Kans. Office became Presidential January 1, 1908.

KENTUCKY.

William C. Balee to be postmaster at Guthrie, Todd County, Ky., in place of William C. Balee. Incumbent's commission expires April 12, 1908.

John S. Miller to be postmaster at Greenville, Muhlenberg County, Ky., in place of John S. Miller. Incumbent's commission expired February 2, 1907.

LOUISIANA.

Edgar A. Bassett to be postmaster at Kentwood, Tangipahoa Parish, La., in place of Albert H. Bassett, resigned.

Edward Eagles to be postmaster at Winnfield, Winn Parish, La., in place of Edward Eagles. Incumbent's commission expires April 27, 1908.

MARYLAND.

Henry L. Arthur to be postmaster at Aberdeen, Harford County, Md., in place of George W. Evans. Incumbent's commission expires March 1, 1908.

MASSACHUSETTS.

John F. Mitchell to be postmaster at North Grafton, Worcester County, Mass., in place of John F. Mitchell. Incumbent's commission expires March 2, 1908.

MINNESOTA.

Arthur H. Rowland to be postmaster at Tracy, Lyon County, Minn., in place of William R. Edwards. Incumbent's commission expired January 21, 1908.

MISSOURI.

Henry J. Bernhard to be postmaster at Palmyra, Marion County, Mo., in place of Isaac R. Huggins, deceased.

NEW YORK.

Arthur Hartt to be postmaster at Ravena, Albany County, N. Y., in place of Arthur Hartt. Incumbent's commission expires March 12, 1908.

Wesley Mulford to be postmaster at Unadilla, Otsego County, N. Y., in place of Wesley Mulford. Incumbent's commission expires March 22, 1908.

OKLAHOMA.

David C. Blossom to be postmaster at Atoka, Atoka County, Okla., in place of David C. Blossom. Incumbent's commission expired February 12, 1907.

William R. Casteel to be postmaster at Mounds, Creek County, Okla., in place of William R. Casteel. Incumbent's commission expired January 14, 1908.

Joel E. Cunningham to be postmaster at Konawa, Seminole County, Okla. Office became Presidential January 1, 1908.

Louis M. Merritt to be postmaster at Roff, Chickasaw County, Okla., in place of Louis M. Merritt. Incumbent's commission expired November 24, 1907.

TENNESSEE.

James Rogers, jr., to be postmaster at Dyer, Gibson County, Tenn. Office became Presidential January 1, 1907.

TEXAS.

John A. Couch, sr., to be postmaster at Munday, Knox County, Tex. Office became Presidential October 1, 1907.

Jose V. Palacios to be postmaster at San Diego, Duval County, Tex. Office became Presidential October 1, 1907.

VIRGINIA.

C. G. Duffy to be postmaster at Stonega, Wise County, Va. Office became Presidential January 1, 1908.

Archie W. Moses to be postmaster at Cambria, Montgomery County, Va. Office became Presidential April 1, 1907.

WASHINGTON.

Francis M. Clow to be postmaster at St. John, Whitman County, Wash. Office became Presidential January 1, 1908.

WYOMING.

Arnold O. Heyer to be postmaster at Shoshoni, Fremont County, Wyo. Office became Presidential July 1, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 18, 1908.

AUDITOR FOR THE POST-OFFICE DEPARTMENT.

Merritt O. Chance, of Illinois, to be Auditor for the Post-Office Department.

POSTMASTERS.

CALIFORNIA.

Charles H. Bartholomew to be postmaster at San Diego, San Diego County, Cal.

Arthur Spencer Fleming to be postmaster at Auburn, Placer County, Cal.

Clarence S. Merrill to be postmaster at Berkeley, Alameda County, Cal.

MAINE.

Arthur A. Dinsmore to be postmaster at Dover, Piscataquis County, Me.

Eugene A. Fairfield to be postmaster at Kennebunk, York County, Me.

Lorenzo B. Hill to be postmaster at National Soldier's Home (late Togus), Kennebec County, Me.

George L. Hovey to be postmaster at North Anson, Somerset County, Me.

John M. Thurlough to be postmaster at Fort Fairfield, Aroostook County, Me.

MASSACHUSETTS.

Charles A. Haskell to be postmaster at Newton Center, Middlesex County, Mass.

Abbie H. Souther to be postmaster at Cohasset, Norfolk County, Mass.

WASHINGTON.

Grant C. Angle to be postmaster at Shelton, Mason County, Wash.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 18, 1908.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

REPRINT OF SENATE BILL 902.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent for reprint of Senate bill 902 as reported by the District Committee.

The SPEAKER. The gentleman from Michigan asks unanimous consent for a reprint of Senate bill 902 as reported by the District Committee. Is there objection?

There was no objection.

DAM ACROSS CHOCTAWHATCHEE RIVER, ALABAMA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6195) to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of a bill which will be reported by the clerk.

The Clerk read as follows:

Strike out all the original bill and substitute the following:

"That Andrew J. Smith and his associates, their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam across the Choctawhatchee River about one-eighth of a mile below or west of the bridge across said river on the road known as the Newton and Ozark public road, in Dale County, in the State of Alabama, in accordance with the provisions of the act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906.

"Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, usually when we pass bridge bills they run to corporations, so that there is some control over them. This bill seems to run to Andrew J. Smith and his associates.

Mr. CLAYTON. Yes.

Mr. MANN. Now, of course usually that form of bill means a speculative enterprise. I wish the gentleman would give us information in reference to that matter.

Mr. CLAYTON. Mr. Speaker, I think the gentleman is entirely in error in his proposition, if I may so term it, that this is a speculative enterprise. It is a bona fide enterprise among several gentlemen to construct a dam across a river down in the district that I have the honor to represent, a river that by law has been declared navigable and is for the most part navigable in fact.

At this particular point where the dam is proposed to be constructed, it may be said not to be navigable now for the most part of the year. It is toward the head of the river, near the origin of the river, where the dam is to be constructed. It is to utilize a water power there that is now going to waste. The near-by towns I am told desire to utilize this for power for the operation of an electric-light plant and perhaps factories and for machinery of various sorts. I can assure the gentleman that, in my opinion, and from the knowledge I can get, it is a meritorious measure and for an honest purpose to utilize a valuable water power that is now going to waste.

The gentleman may know that the attention of the country, and particularly the southern people, has been directed toward the development, or perhaps, to be more accurate, the utilization, of the water power in the South within the last few years. A great many projects are being gotten up now, and I may say to the gentleman, in perfect good humor, I believe when the present Republican panic shall have subsided, that not only in Alabama, but throughout the South, thousands of water powers, hundreds of streams, will be utilized in the turning of the wheels of industry. As it is now, the impetus it is giving to the development of this water power has been set back a little.

Mr. KEIFER. I would like to ask the gentleman a question.

Mr. CLAYTON. Certainly.

Mr. KEIFER. I would like to ask whether this stream that the gentleman refers to at any time heretofore has had an appropriation made to improve it and make it navigable?

Mr. CLAYTON. It has.

Mr. KEIFER. It is proposed to abandon that now?

Mr. CLAYTON. No, sir; it is not proposed to abandon it at all.

Mr. KEIFER. It is proposed to abandon it for the purpose of navigation and transform it into a power for electric light or for machinery?

Mr. CLAYTON. No, sir; it is not proposed to abandon the navigation.

Mr. KEIFER. How can you use it for both?

Mr. CLAYTON. As I said in the beginning, this dam is proposed to be erected at a point on the river where I do not believe it will interfere with the improvement of the river for the purpose of navigation. This river, I may say for the benefit of the gentleman, and because the House seems to be interested in it, rises in my district and flows through my district into Florida, and it furnishes a continuous water navigation from counties in my State down through the southeastern portion of the State, down through Florida, and to the Gulf and on to Pensacola and on to New Orleans.

Mr. KEIFER. What sort of vessels navigate the stream?

Mr. CLAYTON. Steamboats.

Mr. KEIFER. Of what size?

Mr. CLAYTON. Stern-wheel steamboats. The old side-wheel steamboats have been practically abandoned on the small rivers. The project on hand now is to improve this river, and since I have had the honor to represent here in Congress the people of the greatest district in God's universe \$25,000 has been appropriated for the improvement of that stream. I am now asking this House or Congress to appropriate \$100,000 to improve the stream. If the Congress of the United States knows a good and meritorious project, this House will pass my measure giving to that river \$100,000.

Mr. PAYNE. May I ask the gentleman a question?

Mr. CLAYTON. Certainly.

Mr. PAYNE. I notice that the bill gives this authority to Andrew Smith and his associates. Does not the gentleman think that there ought to be a provision that Andrew Smith shall be required to inform the War Department who his associates will be, in case Andrew Smith should drop out?

Mr. CLAYTON. No; I do not think that is any more necessary than it would be to put a provision in to inform the War Department as to who the stockholders of any corporation were that asked authority in a bill to build a dam. This proposition is a meritorious one, and I may say it is well under way. I am informed and believe that they await the action of Congress, in order to begin at once the utilization of this power. I want to say to the distinguished leader of the Republican party that I believe that this project will be begun even before the present Republican panic shall have passed away.

You know down there in Alabama we have not suffered, in such a district as I represent, as greatly as have the commercial centers of the country on account of the present panic.

Mr. PAYNE. I wanted to say, Mr. Speaker, to the gentleman, that while I might object to the bill, running in that way to Smith and his associates, ordinarily I am so much in favor of developing the southern country that I am inclined to let this bill go through on the assurance of the gentleman that it is for the purpose of developing the country and encouraging capital and labor.

Mr. CLAYTON. Mr. Speaker, I may say that, while on the subject of water, Alabama, as we all know, on account of some recent very wholesome legislation down there, will turn her attention almost entirely to water after the 1st of January next. [Laughter.]

Mr. PAYNE. But that is not for navigating purposes, I understand. [Laughter.]

Mr. MANN. Will the gentleman yield for a further question?

Mr. CLAYTON. Certainly.

Mr. MANN. The gentleman stated that he hoped after this Republican panic had passed there would be great development of the water power.

Mr. CLAYTON. Yes.

Mr. MANN. Under this bill it is necessary to commence this dam within one year. Does the gentleman expect that the Republican panic will have passed away so much more quickly than did the Democratic panic?

Mr. CLAYTON. I explained my attitude in regard to this measure by saying a while ago—perhaps the gentleman did not understand me, as I am unfortunate sometimes in the use of language and fail to make myself clear—

Mr. MANN. Oh, the gentleman is always clear and lucid.